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H - 92

International Court of Justice

H0092 - 0002

Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 25 March 1946, 1000-1300, Lord Justice Lawrence presiding.

THE MARSHAL: May it please the Court: The Defendants Streicher and Ribbentrop are absent from this session.

THE PRESIDENT: Dr. Seidl.

DR. SEIDL (Counsel for Defendant Hess): Mr. President, on Friday last I stated that from the first colume of the document book I will not read anything. That does not mean, however, that in my brief I shall not refer to one or the other document. The question arises whether, under these circumstances it is not necessary to take these documents which I will refer to and will no read now and to submit them in evidence to the Fourt, or whether it is sufficient if these documents are copied in the document book. I would be grateful if the Court would help me in deciding this question.

SIR DAVID MAXWELL-FYFE: My Lord, I have a suggestion to make that the Tribunal take these documents de bene esse at the moment and that when Dr. Seidl comes to make his final speech then any point as to admissibility can be discussed. With regard to the third book, for example, that consists of a number of opinions of various politicians and economists in various countrie The Prosecution will, in due course, submit that these have no evidential value and in fact relate to a matter too remote to be relevant. But I should have thought the convenient course would have been to discuss that when we find what ultimate use Dr, Seidl makes of the documents, at the moment letting them go in, as I suggest, de bene esse.

THE PRESIDENT: Dr. Seidl, the Tribunal think that you should offer these documents in evidence now, and that they should be numbered consecutively. Probably the best way would be with the letter "H" in front of them -- H-1 and so on -- and that then, as Sir David says, as they are being offered all together, objection, if necessary, can be taken to them at a later stage -- objection on the ground of admissibility or relevance.

H0092 - 0003

DR. SEIDL: Yes, Sir. I want to refer once more to Volume I of the document book. The first matter of proof is a speech by the Defendant Rudolf Hess made on 8 July 1934. This document will have the number H-1, page 23 of the document. The second document can be found on page 27 of the document book.

H0092 - 0004

THE PRESIDENT: Dr. Seidl, to what issues has this speech got relevance?

DR SEIDL: The speech of the 8th of July 1934-- is that it?

THE PRESIDENT: Yes. Well, it is the one on Page 23. It is 8 July 1934.

DR. SEIDL: Yes. Mr. President, this speech deals with the question, peace or war. Since the accusation has been made against the Defendant Hess that he participated in the psychological preparation of aggressive war, and since he is accused of being a participant in the conspiracy, it seems to me important to illustrate the attitude of the Defendant Hess toward the question of a war, and it seems to be relevant.

THE PRESIDENT: Very well, We will allow you to read it.

DR. SEIDL: Mr. President, I do not intend to read this speech now. I only want to submit the speech in evidence so as to have the opportunity later in my speech to refer to it, if necessary.

THE PRESIDENT: Very well.

DR. SEIDL: From the first volume of the document book I will read nothing I only want to mention the individual documents and put them in evidence.

I pass to Page 28 of the document book. Here we also have a speech by the Defendant Hess, which he made on the 27th of November 1934. The number of this document will be H-2.

THE PRESIDENT: Did you mean 27 or 28 ? The speech of the 8th of December 1934 begins on Page 27.

DR. SEIDL: Before that there is on Page 27 -- yes, that was marked here incorrectly.

As third document I submit a speech -- that is to say, an excerpt from a speech -- from the 17th of November 1938--1935, I'm sorry. It is Page 31 of the document book H-3.

I pass to page 32 of the document book, excerpt from a speech held the 11th of October 1936, H-4. Then a speech of the 14th of March 1936, page 33 of the document book, Exhibit H-5. The next exhibit is on page 35 of the document book, a speech of the 21st of March 1936, Exhibit H-6. Exhibit H-7 is a speech on page 36 of the document book. Exhibit H-8 is a speech of the 6th of June 1936, on page 40 of the document book.

H0092 - 0005

Then I pass to page 43 of the document book, a speech at the Reichsparteitag in Nurenberg, 1936, H-9. Then follows a speech which can be found on page 59 in the document book in excerpts, Exhibit H-10. A speech of the 14th of May 1938 at Stockholm, on page 70 of the document book, Exhibit H-11.

The next exhibit is on page 78 of the document book, exhibit H-12. And that finishes the first volume of the document book.

H0092 - 0006

I pass on to the second volume, the affidavit which I have already submitted last Friday. It can be found on page 164 of the document book. It is an affidavit made by the former Secretary, Hildegard Fath. It will bear the exhibit number, H-13.

The next exhibit is on page 86 of the document book. That is the second volume of the document book. That is a directive of 3 June 1936, Exhibit Nunber H-14.

Now I come to sevdral paragraphs of the minutes which were made about the conference between the Defendant Hess and Lord Simon, held on 10-6-41. These minutes begin on page 93 of the document beck, and it will have the number H-15.

May it please the Court, the Defendant Hess, on the 10th of May 1941, flew to England. Nobody knew of this flight except his adjutant at that time, Hitsch. The Fuehrer himself was informed about the flight and the intentions connected therewith in a letter which was delivered to the Fuehrer after Hess had already landed in England.

After his arrival in England, Hess was frequently questioned by officers of the Foreign Office, and, as it has been mentioned before, on the 10th of June 1941 the conference took place between him and Lord Simon. This conference lasted two hours and a half, and in the course of the conference the Defendant Hess told Lord Simon about the motives which caused him to make this extraordinary undertaking.

In the course of the conference, also, he submitted four proposals, that is to say, four points, which he maintained represented the intentions of Adolf Hitler, and that he expected that they would result in understanding and in the bringing about of peace.

The conference was held by Lord Simon under a cover name, and it can be seen in the minutes that shortly after the conference the minutes showed him as Dr. Guthrie. As much as I am informed, this measure was taken to assure that the stenographers or the translators should not know from the beginning what it was all about.

In the minutes we also find a Dr. Mackenzie, and he is an official of the

H0092 – 0007

Foreign Office, and Mr. Kirkpatrick, who had already had conversations with Hess.

After a few interductory remarks by Lord Simon, the Defendant Hess began to explain the reasons which caused him to make this step, and I quote on page 93 of the document book, about the middle of the page, literally:

H0092 - 0008

I have to say that in the minutes, the Defendant Hess appears under the name -- the capital letter "J". The Defendant Hess, after the introductory remarks, stated:

THE PRESIDENT: Dr. Seidl, there seems to be a typographical error, probably in the date. The date is given as the 9th of August. You said the 10th of June, did you not?

DR. SEIDL: The 10th of June, yes.

THE PRESIDENT: It is a mistake at the top of page 93 --9.8.41.

DR. SEIDL: On the cover of the document there is the following remark: "Minutes of a conference which took place on the 9/6/41 somewhere in England. On the inside of the document, there is the 9/8/41 and there must be a typographical error somewhere.

THE PRESIDENT: There must have been. They put "8" instead of "6".

DR. SEIDL: Yes.

THE PRESIDENT: Very well.

DR. SEIDL: "I know that my arrival has not been understood correctly by anybody, my coming here; because it is an extraordinary step that I have taken that I cannot expect it -- the understanding. Therefore I would like to begin by explaining how I arrived at this."

I continue on page 94:

"The idea came to me when I was in June of the last year, during the French campaign, with the Fuehrer."

The following remark, I believe, I can leave out, and then I quote:

"I have to state that I came to the Fuehrer convinced, as we all were, that sooner or later -- but in the end certainly -- we could conquer England; and I expressed the opinion to the Fuehrer that we must naturally demand from England therestitution of goods, such as the value of the merchant fleet, etc., which had been taken from us once by the Versailles Treaty.

I pass on to page 95.

"The Fuehrer then contradicted me immediately. He was of the opinion that the war could possibly lead finally to an agreement with England, which he has attempted since he is politically active. I can testify, that since I have known the Fuehrer, since 1921 the Fuehrer has always spoken about it, that the agreement between Germany and England had to be achieved.

H0092 - 0009

As soon as he is in power he will do that, he said. And he told me at that timein France that one should not impose any severe conditions, even if victorious, on a country with which it was desired to come to an agreement. At that time I had the thought that if in England one knew of this fact, it might be possible that England on its part was ready for an agreement."

I read now from page 96 of the document book.

"Then came the Fuehrer's offer at the conclusion of the French campaign--his offer to England. The offer, as is known, was refused; and this confirmed all the more my resolution that under these circumstances I must go through with my plan. Closely following that came the air war between Germany and England which on the whole -- seen on the whole -- definitely caused heavier damage to England than to Germany. Consequently, I had the impression that England could not give way without losing considerable prestige. That is why I said to myself, now I must realize my plan all the more, for if I were over in England, England could be enabled to cultivate negotiations between Germany and England without loss of prestige."

I quote then from page 97. After a short statement by Dr. Mackenzie, Hess continued:

"I was of the opinion that apart from the question of terms for an agreement, there was still in England a certain distrust of a general nature to be overcome. I must confess that I faced a very critical decision, the most critical in my life; and I believe it became possible for me through the fact that I realized, not only on the German side but also on the English side, I pictured an endless row of children's coffins with the mothers crying behind them."

THE PRESIDENT: Dr. Seidl, have you got the original document there before you?

DR. SEIDL: Yes.

THE PRESIDENT: Might it be handed up?

DR. SEIDL: Yes.

(The document was handed to the President).

THE PRESIDENT: Yes, go on.

H0092 - 0010

DR. SEIDL: "And vice-versa, the coffins of mothers with the children behind them. I want to mention certain points which, I believe, plan a certain part here from the psychological point of view. I must assert something. After the defeat in the Great War, the Versailles Treaty was imposed on Germany; and no serious historian is now of the opinion that Germany was responsible for the World War. Lloyd George has said the peoples stumbled into the war. I recently read an English historian -- Farrar -- who wrote about Edward VII and his policy at that time. This historian Farrar lays the guilt for the war on the policies of Edward VII. Germany had this treaty imposed upon her after her collapse, which was not only a frightful calamity for Germany but also for the whole world. All attempts of politicians, of statesmen in Germany, before the Fuehrer came to power, that is to say, when Germany was a democracy of the purest water, to obtain any sort of relief were unavailing."

I forego the reading of the following part of the minutes. There took place another conversation about various points, among others: the subject of the conversation then was the strength of Germany in the air and the preparations with regard to the building of U boats. I don't believe that these questions are relevant in the present connection; and then I would like to pass on to that part of the minutes where the proposals are made, which Hess submitted to Lord Simon. We find this on page 152 of the document book. From the minutes we can see that Hess, at that time, had written down the proposals which he wanted to submit previously, and these notes he had given to Dr. Mackenzie, that is to say, Mr. Kirkpatrick, who read them, or, that is to say, translated them; and I quote on page 152, at the bottom of the page, literally:

"Basis for an understanding." And here I have to ask the Tribunal to go from page 152 of the document book to page 159 of the document book, for the reason that the first point of the proposal apparently has been represented in the wrong fashion.

H0092-0011

On page 159, about the middle of the page, there is a statement by Dr. Mackenzie which expresses the first point quite correctly, and I quote:

"In order to prevent future wars between the Axis and England, there should be a definition of interest spheres. The interest sphere of the Axis is Europe, and England's sphere of interest is the Empire.

I ask now to return to page 153 of the document book. Here we find the second point of the proposals which Hess had made, on the last line.

"Dr. Mackenzie: 2. Return of German Colonies."

I pass on to page 154 of the document book, and I begin to quote at the top of the page:

"3"--is it possible that in the document book by error the figure 2 was repeated? It should be 3.

"3. Indemnification of German nationals who had their residence before the war or during the war within the British Empire and who suffered damage in their persons or property through measures of a Government of the Empire or through any occurrence such as tumult, pillage, etc. Indemnification on the same basis by Germany of British subjects.

"4. Armistice and peace to be concluded with Italy at the same time."

Then there is a personal statement by Hess. "The Fuehrer has repeatedly indicated these points to me on general lines in conversations as the basis for an understanding with England."

I shall not read any further excerpts from these minutes, and I forego the reading of the other passages marked in red.

The conference was terminated by a statement made by Lord Simon that he would bring the proposals made by Hess to the knowledge of the British Government. That was Exhibit No. H-15.

May it please the Tribunal, the defendant Rudolph Hess is accused by the Indictment of preparing the seizure of power by the Nazi conspirators, of sponsoring it; that with regard to the military, economic, and psychological preparation for the war as mentioned under Count 12, he also sponsored it; that he participated in the political planning and preparation of aggressive wars, and of wars in violation of international treaties, agreements and assurances, as mentioned in Counts 1 and 2 and that he participated in the preparation and planning of foreign political plans of the Nazi conspirators as listed under Count 1.

H0092 - 0012

That accusation is the nucleus of the entire accusation made by the Prosecution against Rudolph Hess. It is therefore my duty, in producing evidence, to also point at the circumstances since 1933 which led to the outbreak of war, and in that connection I must say the following:

On the 23rd of August 1939, at Moscow, between Germany and the Soviet Union, a non-aggression pact was concluded which has already been submitted by the Prosecution as GB-145. On the same day, that is to say one week before the outbreak of the war and three days before the planned attack on Poland, these two nations concluded still another secret agreement. This secret agreement contained essentially the limitation of the spheres of interest of both nations within the territories between both nations.

THE PRESIDENT: You aren't forgetting, are you, the Tribunal's ruling that this is not the opportunity for making a speech, but simply the occasion for introducing documents and calling witnesses. You will have the opportunity of making your speech at a later stage.

DR. SEIDL: Yes, yes. I do not intend to make a speech. I intend only to say a few introductory words to a document which I will submit to the Tribunal.

Germany, in the secret document, declared herself uninterested in Latvia, Lithuania, Finland, and Esthonia.

THE PRESIDENT: Dr. Seidl, we haven't yet seen the document. If you are going to put in the document, put in the document.

DR. SEIDL: Yes, I can submit the document at once. It is an affidavit by the former ambassador Dr. Friedrich Gauss. In the year 1939 he was the Chief of the Legal Department of the Foreign Office, and as traveling companion of the German plenipotentiary at that time he was present during negotiations at Moscow, and he has actually written the non-aggression pact which has already been submitted, as well as the secret agreement. He drafted it, and I want to submit it herewith to the Tribunal.

THE PRESIDENT: Well, will you hand in the document?

DR. SEIDL: Yes, but I intend to read parts of this document later.

THE PRESIDENT: Dr. Seidl, the Tribunal doesn't quite understand what this document is because it isn't included in your document book and it doesn't appear that you made any application for it or made any reference to it, and it is in German; it isn't translated.

DR. SEIDL: Mr. President, when I prepared the document book for the defendant Hess, I did not have this affidavit. It dates from the 15th of March 1946. At that time, when applications about material evidence for Defendant Hess were made and discussed, I had no definite knowledge of the connections which would have enabled me to make application at that time. The excerpts which I intend to read from this document are short and it will be possible for them to be translated here in the Court by the interpreters present without difficulty.

THE PRESIDENT: Have you got a copy for the Prosecution?

DR. SEIDL: Yes, yes, a German copy, that is.

THE PRESIDENT: I am afraid that wouldn't be any use to me. I don't know whether it is to all the members of the Prosecution.

H0092 - 0013

H0092-0014

THE PRESIDENT: Have the Prosecuting Counsel any objection to passages being read from this document?

GENERAL RUDENKO: Mr. President, I did not know about the existence of this document and therefore I strenuously object to having it read into the record and I would wish that the procedure that has been followed in the past be preserved now. When the Prosecution was presenting its evidence it always resented copies of it to the Defense Counsel and the counsel for Hess is presenting a document which is absolutely unknown to anybody and the Prosecution certainly would like to familiarize itself with it beforehand. I do not know what kind of secret treatieshe is talking about and what the basis or foundation for it is. I would therefore say it is at least hearsay rather than anything else.

I ask the Tribunal to deny the reading of these excerpts into the record.

DR. SEIDL: The Prosecutor of the Soviet Union states that he had no knowledge as to the existence of this secret document which shall be proved by this affidavit. Under these circumstances I am compelled to make the application to call Foreign Commissar Molotov of the Soviet Union as a witness, that is to say, so that it can be established first whether this agreement had been concluded in fact; secondly, what the contents of this agreement were and thirdly --

THE PRESIDENT: Dr. Seidl, the first thing for you to do is to have a translation of this document made and until you have a translation of this document made the Tribunal is not prepared to hear you upon it. We do not know what the document contains.

DR. SEIDL: As to what the document contains, I had already started to explain that before.

THE PRESIDENT: No, the Tribunal is not prepared to hear from you what the document contains. We want to see the document itself and see it in English and also in Russian. I do not mean, of course, you have to do it yourself Dr. Seidl. If you would furnish this copy to the Prosecution they will have translated into the various languages and then, after that has been done, we can reconsider the matter.

H0092-0015

DR. SEIDL: Very well. Then I shall refer to another document against the reading of which there will certainly be no objections, that is because we are dealing here with a document which has already been submitted by the Prosecution. It is the speech, the address made by the Fuehrer before the Commanders-in-Chief of the Armed Forces on the 22nd of August, 1939. It was submitted by the Prosecution of the Soviet Union as PS-789 and as Exhibit Number 29. I quote from page 6 of the German photostat.

"Hitler stated at that time" --

THE PRESIDENT: Have you got it in your document book or not, I mean just for convenience?

DR. SEIDL: The document was completely submitted by the Prosecution.

THE PRESIDENT: You mean it is not here: I have not got the document before me. It is not in your document book.

DR. SEIDL: No, it is not in the document book because the Court has already ruled that each defendant's counsel has the right to refer to any document which has already been submitted by the Prosecution and I quote:

"I have taken care of the regrouping with respect to Russia. In connectio with the trade agreement, we got into a political conversation. Proposal of non-aggression pact. Then, a universal proposal from Russia. I took a special step which led to the fact that Russia has answered yesterday she was ready to conclude the agreement. A personal connection with Stalin has been achieved. Von Ribbentrop will conclude the treaty to day after tomorrow. Now Poland is in the position in which I wanted to see her."

Mr. President, gentlemen: I had the intention to call the witness Bohle who has already been approved by the Tribunal. The defendant Hess, however, has asked me to forego the personal appearance of that witness and concerning the probative matter in reference to which the witness was to be heard, to read an affidavit instead.

I have such an affidavit. I had it prepared and beyond doubt it would facilitate the proceedings and save time if the Tribunal would approve the reading of this affidavit. If however, the Tribunal is of the opinion --

H0092-0016

SIR DAVID MAXWELL FYFE: I have not had the opportunity of seeing the affidavit. As previously advised, if the witness covers the ground for which he was asked, I should want him for cross-examination.

THE PRESIDENT: Where is the witness?

DR. SEIDL: He is here.

With the permission of the Tribunal I would like to call the witness Bohle now.

THE PRESIDENT: Do you mean to call him or read his affidavit?

DR. SEIDL: Yes, since the Prosecutor apparently protests against the reading of the affidavit, I would like to call the witness.

SIR DAVID MAXWELL-FYFE: I have not seen the affidavit, of course, my Lord, so at the moment, as I say, if the affidavit covers the ground that the witness should speak upon, then I shall want to cross examine him.

THE PRESIDENT: Unless the Prosecution are agreeable that the affidavit should be put in the witness must be called but if the Prosecution are agreeable to the affidavit being read and then the witness presented for cross-examination, the Tribunal is quite willing that should be done.

SIR DAVID MAXWELL-FYFE: I do not mind that in the least, my Lord. If of course, I am in slight difficulty not knowing what is in the affidavit.

THE PRESIDENT: Perhaps the best course would be for the Tribunal to have a ten minute adjournment now and you could perhaps see what is in the affidavit.

SIR DAVID MAXWELL FYFE: It is a pleasure, my Lord.

(a recess was taken)

THE PRESIDENT: The Tribunal did not wish to hurry counsel but we thought we had better get on with other witnesses and this document can be translated and considered and possibly dealt with after the main adjournment.

H0092 - 0017

SIR DAVID MAXWELL-FYFE: If your Lordship pleases, I have not had the chance of reading the translation. A preliminary view of the convinced my staff that it was not of very great importance and I was going to consider whether the quickest way might be to let the affidavit be read if the Tribunal would then permit me to read three documents which I was going to put in cross-examination to the witness. That might be more convinient than to take the course which your Lordship suggests, of waiting until we have seen the full affidavit and then consider what would be the course to deal with it.

THE PRESIDENT: Well, you have perhaps seen part of the document and you can perhaps judge better which would be more convinient course. Whichever you think more convinient.

SIR DAVID MAXWELL-FYFE: Well, I am content if Dr. Seidl reads it but it would have to be on the terms that the documents which I was going to put in cross-examination to the witness are read.

THE PRESIDENT: The Tribunal thinks he had better be called.

SIR DAVID MAXWELL-FYFE: If your Lordship pleases.

THE PRESIDENT: Yes, Dr. Seidl ?

DR. SEIDL: If I understand the High Tribunal correctly, it does not wish the affidavit to be read but the testimony of the witness personally.

THE PRESIDENT: Well, as soon as the affidavit has been translated and the Prosecution have had an opportunity of considering it, they can let us know whether they think it will be better to treat the affidavit as the examination of the witness and he must then be produced here for the purpose of cross-examination unless you prefer to examine him orally yourself.

DR. SEIDL: I believe that under the circumstances it would be best to call the witness immediately.

THE PRESIDENT: Very well.

ERNST WILHELM BOHLE: a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q Will you tell me your name?

A Ernst Wilhelm Bohle.

Q Will you repeat this oath after me:

H0092 - 0018

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and with hold and add nothing?

(The witness repeated the oath.)

DIRECT EXAMINATION

BY DR. SEIDL:

Q Witness, you were the leader of the Foreign Organization of the N.S.D.A.P.?

A Yes.

Q When you were State Secretary of the Foreign Office?

A Yes.

DR. SEIDL: Mr President, Mr Dodd of the American Prosecution made the suggestion in order to save time if it might not be possible to follow the same procedure as in the case of witness Blaha, that is to read the affidavit in the presence of the witness and then hear him in cross-examination.

BY DR. SEIDL:

Q You signed an affidavit?

A Yes.

Q I will read that affidavit to you.

"1. The Foreign Organization of the N.S.D.A.P. was in accordance with some Germans abroad, established on the 1st of May in 1931 at Hamburg. The leader was Strasse and appointed as the leader of the Reichstag a member of the N.S.D.A.P. by the name of Dr. Hans Nieland. I myself led the Ausland organization, that is I entered in December 1931 and on the 1st of March 1932, entered the party. On the 8th of May, 1933 Dr. Nieland resigned from his office as leader of the Ausland organization, since he entered into the government of the City of Hamburg and as a German at home was less interested in questions of Germans abroad.

H0092 - 0019

On the basis of my experience abroad and my connections abroad — I was born in England and raised in South Africa -- I was charged with the leadership of the Ausland Organization.

"Point 2. The purpose of the Ausland Organization was those Germans outside the boundaries of Germany at the taking over of power--members of the Party--to include them in an organizational way. Beyond that, the Germans abroad which really had just very vague notions of the political happenings at home, these Germans were to be kept informed of the ideas and the political programs of the new state.

"Point 3. Only Reichsdeutsche could become members of the Party. The taking in of foreigners or former Germans who had acquired citizenship in another state was strictly prohibited.

"Point 4. Showing a certificate of citizenship there was the basic principle of the attitude of the Party toward the organization; first of all, to follow the laws of the country to which you belong. The internal policy should be carried through by the natives of that country. Do not interfere, do not mix in in any way even in conversations. This principle was of basic importance for the work and the attitude of the Ausland Organization, as far as foreign countries were concerned, from the beginning of its establishment to the end. I personally pointed out in many public speeches, and among other things used the following sentences: "National Socialism will honor foreign folkdom because it loves its own."

"Point 5. My speeches in Porchester Hall in London on the 2nd of October 1937 and at Budapest toward the end of 1938 give a comprehensive picture of the attitude of the Ausland Organization of the NSDAP, so far as foreign countries are concerned.

"Winston Churchill in September of 1937 repeatedly attacked the activity of the Ausland Organization in newspaper articles, and in his famous speech, "Friendship with Germany," which appeared in the London "Evening Standard" the 17th of September 1937, he called this organization incriminating to the connection between Germany and England. In the same article he said that he was ready to converse with me in the most cordial manner about this question. The German Embassy at London told the Foreign Office at that time that a motion by Churchill in Commons regarding the activity of the Ausland Organization was

not desirable, but it was desirable to have a conversation between Churchill and myself. This took place on the day of my speech to the Reich Germans in London, in the flat of Winston Churchill, and lasted more than an hour. I had ample opportunity in this conversation, which was entirely cordial, to inform Churchill of the activity of the Ausland Organization and to dissipate his fears and qualms. Toward the end he accompanied me to my car, and had his picture taken with me, in order, as he said, to show the world that we were parting as friends. There was no investigation or inquiry in Commons. Since that time in no manner did Churchill object to the activity of the Ausland Organization. My speech of the same date, which was published by an English concern in English, in the form of a brochure, was very favorably received. There were excerpts from this speech. 'Mr. Bohle's Plea For A Foreign Understanding' was the title. Churchill wrote me a letter after this conversation in which he voiced his satisfaction with the result of our conversation.

"Point 6. In the proceeding concerning the murder of the leader of the Ausland Organization in Switzerland, Wilhelm Gustlov, the proceeding which took place in Switzerland in 1936 at Koor, the legality of the Ausland Organization was the matter at issue of this legal procedure. The defendant, David Frankfurter, was sentenced to eighteen years imprisonment. And as far as I can tell from memory, the Swiss authorities, who were not friendly to Nazis, had to affirm and confirm that Gustlov and the Landesgruppe of the Ausland Organization had given no reason for concern in any way. And Bundesrat Baumann gave the decisive testimony who, according to my knowledge, was Police Minister and Minister of the Exterior of Switzerland at that time.

H0092 - 0020

"Point 7. I should further ike to point out that after the outbreak of the war the Landesgruppen of the Ausland Organization continued to function until the end of the war, and that is especially true of Switzerland, Sweden, and Portugal. At the latest, beginning with 1943, there could have been no action; the Reich could not have taken any action if the Ausland Organization had come into conflict with the internal laws of the countries involved and if the prohibition of this organization would have been the result.

"Point 8. Aside from the indisputable legality of the Ausland Organization, as its leader I affirmed and reaffirmed repeatedly that the Auslandsdeutschen (Germans abroad) would certainly be the last people who would be war mongers or who would be conspirators against peace. From bitter experience they knew that with the outbreak of a war there would be internment for them, persecution, confiscation of money, and destruction of their economic existence would be their lot.

"Point 9. Knowing the situation abroad no one knew better than the Germans abroad, the Auslandsdeutschen, that any activity of any sor t with regard to a fifth column would be sensdess and damaging to the interests of the Reich. The expression "fifth column" is to be traceable back to the Civil War to my knowledge. It is in any case a foreign innovation. When Franco attacked Madrid with four divisions it was asserted that a fifth column consisting of nationalist elements was within the belagered city underground and was ready to go to work.

"Point 10. The usage of the term "fifth column" with reference to the Ausland Organization of the NSDAP is entirely without basis. If this assertion were true, it would mean that members of the Ausland Organization in connection with local oppositional elements had been charged in one or more foreign countries or had tried of themselves to undermine this state from within. Any such assertion would be taken out of thin air, would be entirely without basis.

"Point 11. Neither from the former deputy of the Fuehrer, Rudolf Hess, nor from me, as the leader of the Ausland Organization, did members of this organization in any way receive missions or were charged to make the activity in the sense of a fifth column. Even Hitler himself never gave me any directives in that respect. And in conclusion and as a summary I might say that

H0092 - 0021

the Ausland Organization at no time as long as I was its leader participated in any activity of a fifth column or developed any such action. Never did the deputy of the Fuehrer give directives to the Ausland Organization which would have activated it toward such activity. Rudolf Hess, on the contrary, desired most urgently that members of the Ausland Organization would under no circumstances interfere with the internal affairs of that country in which they were living.

"Point 12. Of course, it is known that as well as the members of the then hostile countries, Germans were used in the espionage and intelligence work. This activity had nothing whatever to do with the membership in the Ausland Organization and these groups which were public and legal. And in order not to harm them in any way I always repeatedly demanded that members of the Ausland Organization were not to be used for activities of that sort without previously having the opportunity to relieve them of their membership in the Ausland Organization."

And that is the end of the affidavit of the witness Bohle. I have no questions to ask the witness, Your Honor.

THE PRESIDENT: Do any of the defendants' counsel wish to ask the witness any questions?

DR. SAUTER (Counsel for defendant von Schirach): I would like to put several questions to this witness, Your Honor.

BY DR. SAUTER:

Q Witness, I represent the defendant von Schirach, the former leader of German Youth, and I am interested in knowing the following points:

Did the Hitler Youth (H.J.) exist in foreign countries or did it exist only in Germany?

A The Hitler Youth was present in foreign countries also.

Q Please tell me whether the Hitler Youth (H.J.) was the subordinate to the political directives of the competent authorities of the Ausland Organization or is that not right?

A The Hitler Youth abroad politcally was under the direction of the Hoheitstraeger (bearers of sovereignty) of the party.

Q Here in presenting this legal proceeding the assertion was made that

H0092 - 0023

members of the Hitler Youth had been used for agent services and espionage service; that they were being trained in foreign countries, not only trained but also used for these purposes. Certain facts are noted here. It is only an assertion. In connection with this it was asserted that the Hitler Youth abroad were being used as paratroopers, had been trained internally and used as paratroopers abroad, and that is the assertion which I am submitted to you, and I ask to have your opinion on this. Whether on the basis of your knowledge as the competent leader of the Ausland Organization such happenings did take place or whether anything like that would be possible at all.

A I would like to say the following in reply:

I considered it entirely impossible that members of the Hitler Youth abroad could have been active, could have been misused in this way. I can assert that all the more since I know from the leaders of the Party in the various foreign countries I would have heard everything to the contrary. I know nothing at all about the training of the Hitler Youth as paratroopers or anything similar. I have no knowledge of anything like that. I consider that assertions of that kind have no basis whatsoever.

Q Then I may assume as the result of your testimony here that things of that sort on the basis of the entire organization would certainly have come to your knowledge if things like that had taken place or if they had just been planned; is that correct?

A Yes, of course.

Q Then, witness, I have a last question. In the Tribunal in the course of the proceedings a further assertion was made about the H.J., that is about the Hitler Youth. It was asserted that at Lemberg the following took place:

That the Hitler Youth or members of this organization had used little children as targets. Particulars even in this report are not given, just the assertions stated. I am interested to know--you know, of course, that the Hitler Youth had a membership toward the end of about seven to eight million people.

H0092-0024

THE PRESIDENT: With the Ausland organization?

DR. SAUTER: With the Ausland organization, only since in connection with my client the Defendant von Schirach it is charged that the Hitler Youth abroad committed such cruelties and atrocities.

THE PRESIDENT: It wasn't suggested that they did this abroad; it was that they used children as targets abroad.

DR. SAUTER: Yes, it was said at Lemberg, not in Germany. In Lemberg. And that is, of course, for abroad.

THE PRESIDENT: You mean after the war began?

DR. SAUTER: Yes.

THE PRESIDENT: I thought this witness was speaking about the Ausland organization before the war.

DR. SAUTER: I don't know but the Ausland organization during the war is concerned here. But Mr. President, the witness knows conditions, for he was the head of the Ausland organization and therefore this witness seems to be especially qualified to give us information on these matters.

THE PRESIDENT: It seems to me that we are very far from the point, but you can go on.

DR. SAUTER: Mr. President, then I would have to call this witness for my client again.

BY DR. SAUTER:

Q Witness, do you recall the last question I put to you?

A Yes.

Q I asked you whether you had knowledge that Hitler Youth or members of the Hitler Youth abroad, which was under your jurisdiction, committed atrocities of that nature?

A I must tell you I regret that the General Government did not belong to the Ausland organization, that I wasnever there, and am not in a position to give you any information on that point. Obvi usly the erroneous opinion seems to exist that the General Government was connected with the Ausland organization and the Party, but that is not true. I had no organizational powers there.

DR. SAUTER: I have no further questions.

BY DR. SERVATIUS (attorney for the organization of the political leaders):

Q Witness, in what connection did you know about the foreign political intentions of the Fuehrer, that is, you in your capacity as leader of the Ausland organization?

A I was not Reichsleiter but Gauleiter, and was never informed of the foreign political intentions of the Fuehrer.

Q Do you know whether the Fuehrer toward your organization was in the position of wanting an understanding with England?

A I do not quite follow your question.

Q Before the war did Hitler in your presence and before theother Gauleiters emphasize that he wished an understanding with England and that you were to function that way?

A I had no missions like that from the Fuehrer, but from the Deputy of the Fuehrer. The Fuehrer did not discuss foreign political matters with me during the twelve years I was in office.

DR. SERVATIUS: I have no further questions.

THE PRESIDENT: Are there any other questions from other members of Defense Counsel?

CROSS-EXAMINATION BY LIEUT. COLONEL GRIFFITH-JONES:

Q Your Ausland organization was organized in the same way as the Party in Germany was organized, is that notso?

A Not in all points, whether there were various organizations within the Party structure in the Reich, which did not apply to foreign countries. For example, the Bureau for Criminal Police --

Q Perhaps I can shorten my question: Did you have Hoheitstraegers abroad in the same way that you had them in Germany?

A Yes.

Q The organization in each country was under the Landesgruppenleiter, is that correct?

A In almost all countries, yes.

Q And under many there were lower ranking Hoheitstraegers?

A Yes, or the Gruppenleiter.

Q Was the result of that, that you had your German population in foreign countries well organized and known to the leader in those countries?

H0092 - 0025

A For the large part that would be correct, but it wasn't organized through and through, and it could not be that the leaders of the Party would know all the Reichsdeutschen in the countries involved.

Q Did it never occur to you that in the event of your army's invading a country where you had a well organized organization, the organization would be of extreme military value?

A No, that was not the sense and the purpose of the Ausland organization and there were no demands like that made.

Q Are you telling this Tribunal now that when the various countries of Europe were in fact invaded by the German Army your local organizations did nothing to assist them in a military or semi-military capacity?

A Yes.

Q Very well. Now, let me ask you about something else for a moment: You had, had you not, an efficient system of reporting from your Landesgruppenleiters to your head office in Berlin?

A Yes.

Q I think you said yourself, did you not, in your interrogations that you took an especial pride in the speed with which your reports came back?

A As far as speed is concerned, I do not believe I

H0092 - 0026

H0092 - 0027

mentioned that, but I believe I said that in regard to giving a complete political picture.

Q. In fact, your reports did come back with great speed, did they not?

A. I cannot say that. In general it depended on the possibility of bringing these reports to Berlin, and how it applied in particular cases I cannot tell you today. But speed or certain measures for acceleration, I did not have at my disposal.

Q. In fact, you told your interrogator -- and I can refer you to it if necessary -- that on occasions you got back similar information before Himmler or the Foreign Office had got it.

A. We were concerned with the political reporting system from the Landesgruppenleiters which I transmitted from Berlin to the various parts of the country.

Q. Very well, we will leave the speed out. I have it from you that you had an efficient system of reporting, is that correct?

A. In order to answer that question I would have to know in what report you mean I am supposed to have had this system of reporting.

Q. That was going to be my next question. I was going to ask you: What in fact did your Landesgruppenleiters report to you?

A. The Landesgruppenleiters reported to me, of themselves, if they had anything of importance which they wanted to report to me, the competent leader.

Q. Did they ever report anything which might have been of military or semi-military value?

A. That might have been true in a few cases, although at present I cannot recall any such special cases.

Q. They were never given any instructions, were they, to report that kind of information?

A. No; in general, no.

Q. How did you get your reports back/ Did you have wireless sets with your organizations in foreign countries?

A. No, we did not have any wireless stations. Reports came through

H0092 - 0028

courier in special cases or were brought in by special people to Germany.

Q. After the war statred did your organizations continue in neutral countries?

A. Yes.

Q. Did they never have wireless sets reporting back information?

A. I do not know anything about that, but I do not believe they had them. If they had them I would have had to know about it.

Q. Now, I want to just ask you about one or two documents. Would you look at PS-3258 -- My Lord, that is the Exhibit already in, GB-262; I have copies of the extract for the Tribunal and members of Defense Counsel.

A. Yes.

Q. There you have before you a copy of some extracts from it. Would you look at the bottom of the first page, last paragraph commencing "In 1938"? Did you have a Landesgruppenleiter in the Netherlands of the name of Batting?

A. Yes.

H0092 - 0029

Q. Just pay attention to me for one moment before you look at that document. Do you know that Butting shared a house at the Hague with the Military Intelligence Office? Do you know that?

A. That I do not know, no.

Q. Now, I want to quote you quite shortly two paragraphs of this document, which is a report published as an official United States publication called "National Socialism Basic Principles, Application by the Nazi Party Foreign Organization and the Use of Germans Abroad for Nazi Ends." I just want you to tell the Tribunal what you think first of this report, which is printed in that book:

"In 1938 the German legation owned two houses in The Hague. Both were of course the subject of diplomatic immunity and therefore inviolable as concerned search and seizure by the Dutch Police. I shall call the house in which Dr. Butting had his office House No. 2. What went on in House No. 2? It had been remodelled and was divided like a two-family house -- vertically, not horizontally, but between the two halves there was a communicating door. One side of the house was Dr. Butting's. The other half housed the Nazi Military Intelligence agent for Holland."

You say that you do not know anything about that?

A. Butting was Landesgruppenleiter of the Ausland Organization, but this is entirely new to me, and I am hearing about it for the first time now.

Q. Very well. "S. B. (the military intelligence agent) may have had as many as a dozen subordinates working in Holland, all sub-agents of the Canaris bureau. These were professional spies who knew their trade. But they could not possibly know Holland as intimately as was required by the strategy of the German High Command, as it was revealed following the invasion of May 1940. For this, not a dozen but perhaps several hundred sources of information were necessary. And it is at this point that Butting and the military intelligence come together. Through his German Citizens' Association, Butting had a pair of Nazi eyes, a pair of Nazi ears, in every town and hamlet of the Netherlands. They were the eyes and ears of his minor party officials. Whenever the

H0092 - 0030

military intelligence agent needed information concerning a corner of Holland which his people had not yet explored, or was anxious to check information relayed to him by one of his own people, he would go to Butting."

Do you know whether Butting assisted the military intelligence agent in Holland in any way like that?

A. I was told later that he aided him, but in what proportion I do not know, for he had had no missions like that from me.

Q. I understand he had no instructions but he was doing it. Just turn now to the last paragraph of that page, too:

"'I know every stone in Holland', S. B. once boasted. By 'stone' he meant canal, lock, bridge viaduct, culvert, highway, by-road, airport, emergency landing field, and the name and location of Dutch Nazi sympathizers who would help the invading army when the time came. Had Dr. Butting's Party organization not existed under the innocent cover of his Citizens' Association, S. B.'s knowledge of Holland would have been as nothing compared with what it was. Thus the Citizens' Association served a double purpose; it was invaluable for espionage at the same time as it fulfilled its primary function as a fifth column agency."

Do you know whether the members of your organization in Holland were given instructions to learn about every canal, lock, bridge, viaduct, railway, and so on?

A. No, I never had any idea of this.

Q. Very well. I want you to be quite clear. I am putting to you that your organization, in the first place, was an espionage system of reporting information of importance back to the Reich, and, in the second place, it was an organization aimed to help and which did help your invading German armies when they overran the frontiers of thei neighboring states. Do you understand those two points?

A. Yes.

Q. Did your organization publish an annual book, your Year Book of the Foreign Organization?

A. Yes

H0092-0031

Q. And did that book contain information as to the activities of your organization during the year?

A. Partially, yes.

Q. And I suppose that the Tribunal would be safe in assuming that what was published in that book was accurate information?

A. Yes, one may assume that.

Q. Will you look at the Year Book for 1942. I have copies of the extracts. Would you turn to Page 37 of that book. If you look back one or two pages in the book you will find that that is an article entitled "The Work of the Norway Branch of the Ausland Organization

H0092 - 0032

in Norway". Is that written by your Landesgruppenleiter in Norway?

A I assume so, although I do not recall this.

Q Will you look at Page 37 and you will see that there are some passages in the book that you have in front of you that have been lightly marked in pencil along the side.

A Yes, I have it.

Q Will you find the paragraph which starts, "Therefore, soon after the outbreak of the war in September 1939 --" Have you got that ?

A Yes, I have it.

Q Perhaps you will be so kind as to follow me.

"Therefore, soon after the outbreak of war in September 1939, the enlargement and extension --"

A Yes, I am following you.

Q "-- the enlargement and extension of the German legation in Oslo, of the consulates in Bergen, Drontheim, Stavanger, Kristiansand, Haugesund, Narvik and Kirkenes proved to be of primary importance. This enlargement of the Reich agencies resulted in the local organization of the N.S.D.A.P. in Norway having to increase its field of activity too, in the same proportion in order to support the work of the Reich agencies, particularly with Party members and other Germans who had a thorough knowledge of the country and the language."

Why, in September 1939, was it necessary for the Party to increase its organization in Norway with people having thorough knowledge of the country and the language? Answer me that before you read on. You need not worry about the rest; we are going to deal with it . Why was it necessary in 1939 to enlarge your organization?

A In Norway, as far as I recall, there were only 80 members of the Party in all, and it was definitely known that after the outbreak of the war, the authorities, not only of Germany but those of other states, had expanded and had the names of local assistants, and that did not hold true for Germany alone but for all other nations participating in the war.

Q Yes. I still do not understand why you perfectly harmless organization should have found it necessary to increase its membership with people

H0092 - 0033

who had a throrough knowledge of the language and the country. Why should the Ausland organization have found it necessary?

A If on the demand of the German people those people were needed to tell us about targets of war in Norway, these activities were carried on by other states also.

Q Well, your answer is, that you required them to tell you about targets in Norway. Is that your answer?

A No, I said that they were to be at the disposal in Norway if they were to be used for German propaganda, for information about the Norwegian people, and I would like to emplasie that was not done only by Germany but by all states which were involved in the war.

Q Very well, let us go on and see what happens next:

"The choice and appointment of these supplementary collaborators was carried out by the local leader of the organization in close collaboration with the representatives of the Reich. Therefore, from the first moment of the outbreak of war a great number of Party members were taken away from their jobs and employed in the service of the nation and the Fatherland. Without any hesitation and without considering their personal interests, their families, their careers or their property, they joined the ranks and devoted themselves body and soul to the new and often dangerous tasks."

Tell me, was finding out and reporting about the Norwegian people, was that an often dangerous task?

H0092 - 0034

A No, certainly not.

Q What, then, were the often dangerous tasks which your own Landesgruppenleiter is saying members of his organization were undertaking from the very moment war broke out, in September 1939?

A I cannot tell you anything about that, for I have no knowledge about this at all and I cannot think of any of these dangerous tasks. I cannot conceive of them. I didn't know this article prior to now and I have the impression that the Landesgruppenleiter had the desire, and it seems plausible, to make his organization more important than it was.

Q But you say you didn't know about this. This appeared in the official year book of your organization. Did you never read what appeared in that book?

A In its entirety, no, for I am not familiar with this article.

Q You have told us that the members of your organization took no part in this. What about the people who were responsible for publishing that book? Did they never draw your attention to an article of that kind?

A Obviously not.

Q Just look at the next little paragraph:

"And the successful results of their work, which was done with all secrecy, were revealed when, on the 9th April 1940, German troops landed in Norway and forestalled the planned flank attack of the Allies."

What work was revealed on the 9th of April? What work which had been done with all secrecy was revealed on 9th April, work carried out by members of your organization?

A That I am sorry I cannot say, for I have no knowledge of this at all.

Q I see. Will you look down to the last paragraph of that page? It is the second sentence, at the end of the fifth line. I beg your pardon. You have the book in front of you; I have forgotten. Will you look at page 40 of the book? In the center of a paragraph the last word of one of the lines starts with "According. According to the task-plan" -- Have you got it? It is page 40.

A (The witness shook his head)

Q To save time, let me read it:

H0092 - 0035

"According to the task-plan which had been prepared since the out break of the war, the leadership of the local organization gave orders on the 7th of April for phase one of the state of employment..."

It doesn't sound, does it,that plans are being made for different phases of an operation? It doesn't sound, does it, as if the work of your organization had been simply finding out about Norwegian people?

A It might be, because this is entirely new to me. That might have been an agreement in the country itself with military and other people. I had never had any previous knowledge up until now.

Q So I understand you to say. But you were the head of this organization were you not?

A Yes.

Q You have come before this International Tribunal and given them evidence, presumably saying you are in a position to give them truthful and accurate evidence, is that so?

A Yes.

Q Do you understand that?

A Yes, I understood that.

Q Well, then, do I understand you to say now that you don't know what was happening in your organization and therefore you are not in a position to give evidence as to whether or not it was a Fifth Column business?

A It is clear and definite that in an organization of this size the leader, who has his office at Berlin, cannot know exactly what is going on, and especially what is going on against his instructions. I didn't have the same disciplinary powers over my party members abroad as I did over the Gauleiters internally, and I need not elaborate on that, because it seems self-evident and also clear, and this I know, that some Germans abroad were called on because of their patriotism, without the knowledge of the Ausland Organization and against its direct instructions. They let themselves be used for these purposes.

Q In the interest of time we won't pursue that particular sphere of activity in Norway, just in case it may have been an exception which you didn't know about.

H0092 - 0036

Let me turn to something else. Will you look at page 65 of that book?

(The witness manipulated a book.)

Is that an article by your Landesgruppenleiter in Greece?

A Yes.

Q Is it in the form of a day-to-day diary of the activities of the Ausland organization in Greece when German troops invaded that country?

A Yes.

Q Will you look at page 65?

"Sunday the 27th of April. Swastika on the Acropolis."

H0092 - 0037

That is the heading. I beg your pardon. I don't know whether it comes directly under that heading. This is the Landesgruppenleiter talking:

"I set out immediately and quickly visited the other quarters where the German colony had been interned, the Philadelphia and the Institute. I enjoined upon the inmates of the house in Academy Street that they were to renounce returning home today as well, and that they were to hold themselves in readiness. After all, we did want to help the German troops immediately with our local and linguistic knowledge. Now the moment has come. We must start in immediately."

Do you know --

A Yes, I know everything about this. It was probably clear that the moment that German troops would occupy a foreign city and free the Germans who had been interned, they would put themselves at the disposal of German pools and serve them in any capacity to interpret or show the way or similar things, and that seems to be the most logical thing in the world for them to do.

Q That is in fact what they did do, and the assistance your organizati appears to have given them is that it managed to organize them and get them ready to do it, isn't that so? That is what your Landesgruppenleiter seems to be doing?

A I didn't quite follow the question. Will you please repeat it?

Q Do you understand that it is your Landesgruppenleiter who is organizing the members of your organization, organizing them so that they can give their assistance most beneficially to the invading armies?

A No, that is the wrong way to express it. The Landesgruppenleiter in Greece, who had his post since 1934, couldn't know at all whether an invasion of Greece was to come or was not to come. That had nothing to do with his activity at all. At the moment where German troops were in the country it was clear that they would greet their countrymen and would help them in every way, and that was a patriotic duty to be taken for granted.

Q I see.

Just turn to page 66, the next page. Will you find the paragraph which

H0092 - 0038

commences "Meanwhile I organized the employment of all Party members to do auxiliary service for the armed forces."

Do you have that?

A I understand it, although I don't find the place.

Q You had better find the place.

A Where shall I find that place?

Q On page 66. It is a new paragraph.

A Yes, I find the place.

Q "Meanwhile I organized the employment of all Party members to do auxiliary service for the armed forces."

It really looks now as though the Landesgruppenleiter is organizing them, doesn't it?

A Yes, at that moment it looks like it.

Q "Soon our boys and girls could be seen riding proud and radiant in their Hitler Youth uniforms beside the German soldiers on motor bicycles and dustcarts."

Did you yourself know of the organization and work that your Landesgruppenleiter had put in in Greece to assist your armies in semi-military capacities, or was that another case like Norway which you didn't know about?

A The Landesgruppenleiter at Greece did not organize anything in a military way, but he had to have organization to aid the troops who were coming in, but he did that in a civilian matter only.

Q Now, have you a document there which is a telegram from somebody called Stohrer, in Madrid?

A Stohrer, yes.

Q Did Stohrer have something to do with the German Embassy in Madrid?

A He was the ambassador himself, Doctor von Stohrer.

Q This is dated 23 October 1939. Just let us see what it says.

"The Landesgruppenleiter can obtain a very suitable house for accommodating the Landesgrippe, including the German Labor Front, the Hitler Youth, and the German House Madrid, also room available in case of embassy

H0092 - 0039

having to spread out, and especially very suitable shut-off room for possible erection of second secret radio sender, which can no longer be housed at the school because of reopening.

"Landesgruppenleiter requests me to rent the house through embassy, in which way very considerable tax expense will be avoided. Have no hesitation, in view of anticipated partial use by embassy as mentioned above. If you are not agreeable I request wire by return.

"Please submit also to Gauleiter Bohle."

Were you telling the truth to this Tribunal when you told them some twenty minutes ago you had no knowledge of wireless sets being used by your organization?

H0092 - 0040

A Yes, the use of the apparatus seems . . . . . If you mean that it was the apparatus used by the Embassy, I have no knowledge of that.

DR. SEIDL (Counsel for the Defendant Hess); The copy of the telegram as I have it before me, it does not indicate to whom this wire was addressed. The last sentence of the telegram leads one to assume that it was not addressed to Bohle, the witness. According to my opinion, I should think the witness should have to be asked whether he knew about this wire and to whom it was addressed.

LT. COL. GRIFFITH-JONES: Perhaps you will tell Dr. Seidl to whom, of the German Embassies, he was likely to send a telegram on such matters as this.

THE WITNESS: To the foreign office at Berlin.

Q And you, at that time, were State Secretary at the Foreign Office of Berlin, were you not?

A That is correct.

Q Beneath his signature is set out the distribution to -- it mentions various persons in the Departments in the Foreign Office in Berlin. Is that so?

A Yes.

Q And are you saying now, that you have . . . It was not all of those departments who were asked to submit this matter to you, that they all failed to do so?

A Yes.

Q And are you saying now, that you have . . . It was not all of those departments who were asked to submit this matter to you, that they all failed to do so?

A No. I am sure that they would have done this.

Q Do you remember yourself seeing this telegram before?

A No, I cannot recall that and I would never have noticed this for these secret centers in Spain were something which I never knew about. And in the distribution slip, it shows "State Secretary", but that does not mean me. It means the State Secretary of the Foreign Office. That is the political name.

H0092-0041

Q I can save you all that. I am not suggesting that that "State Secretary" means you, otherwise it would not be asked to be submitted to you. What I want to know is what you or your embassy workers, or both of you working together, wanted with two secret wireless sets in Spain in October, 1939?

Are you still saying that your organization was quite unconcerned in reporting back information of military importance?

A Just how do you mean, "reporting back?"

Q Are you telling the Tribunal -- I want you to be quite clear -- are you telling the Tribunal that your organization was not being used for espionage purposes in Spain?

A Yes, I am asserting that. There were certain members of the organizatio who worked without my knowledge. I protested against this often enough, but they were used for this purpose. I did not wish that Germans abroad, as in all other countries who had similar cases,who were members of the organization become involved or concerned in this.

Q I don't want to stop you at all. I don't want to stop you. Go on if you have anything to say. But, in the interest of time, try and make it as short as possible.

A Evidently we are confusing the Ausland organization members with organizations of Germans abroad who did these things in the interest of what they considered patriotism and what they considered their patriotic duty. And that, I believe, has certain decisive points.

Q I won't argue about that. You see that your organization took official interests to record accounts of what they were doing in their official books. I just want to show you one thing further -- a document. I have one further document to put to this witness.

THE PRESIDENT: You may as well go on.

LT. COL. GRIFFITH-JONES: It is a document which I have just had found. I haven't had them copied. The Tribunal will forgive me if I read extracts from them?

Is that ..... It is an original document you hold in your hand and it appears to be, doesn't it, a carbon copy of a letter from . . . .

H0092-0042

THE PRESIDENT: Has Dr. Seidl got one?

LT. COL. GRIFFITH-JONES: Yes, he has one in German.

Is that a letter from your Landesgruppenleiter Konradi?

A It seems to be addressed to Konradi but not signed by him.

Q If you will look at the end of the letter you will see that it is actually signed "Konradi." After the usual "Heil Hitler" . . . . .

A The copy that I have is not signed by him.

Q Will you get that copy back? Perhaps these documents . . . .

(Document taken from the witness to Lt. Col. Griffith-Jones).

It is in fact signed "Konradi." Show it to him.

(Document returned to the witness).

A It is not signed by Konradi. It is typed in.

Q I am very much obliged. It is my fault. I told you that is a carbon copy. A copy of a letter which was signed by Konradi. That appears to be so, doesn't it?

A That, I do not know, for I don't know of a letter signed by Konradi.

Q You can take it so far as you are concerned that that is a German document which has been captured and it is a piece of paper, and that it bears a typewritten signature of Konradi, who was your Landesgruppenleiter in Rumania, is that correct? You remember whom you had . . . .

A Yes, his name was Konradi.

Q And is this a letter of instructions to the Zellenleiter in Constanca?

A Yes.

Q It is dated the 25th of October 1939. Will you read the first paragraph?

"Between the 9 and 12 of October, a conference took place with the Senior Party's functionaries, or their deputies, of the South Eastern and Southern European groups at the Office of the Direction of the Ausland organization." Does that mean Berlin?

A Yes. Berlin.

Q That means your office, doesn't it?

A Im my office, but not in my personal office.

Q In the office over which you had complete contrd?

A Yes.

H0092-0043

Q. Agreed. I imagine, before we go on that no orders would be issued from your head office at a conference of that kind which were contrary to your direction, would there?

A. Not in important things, no.

Q. "I subsequently received direct instructions from the competent Office of the Direction of the Ausland organization."

So it appears that the direction given in the conference was confirmed in writing

"During the war, every National Socialist abroad must directly serve the Fatherland, either through propaganda for the German cause or by counter-acting enemy measures."

Perhaps you will turn over, or rather, you will next ....
I am now reading from the next paragraph, and the next paragraph plus one, then go on to the next paragraph.

" As everywhere else it is extremely important to know where the enemy is and what he is doing...."

I want you to be quite clear about this and keep it in mind.

"It has been ascertained that the intelligence service has attempted, sometimes most successfully, to obtain admittance into the activities of the Party Group or its associates for seemingly trustworthy persons. It is therefore necessary that you thoroughly investigate not only all those persons who are not very well known to you, but more than anything else you must put any new persons appearing in your section under a magnifying glass. If possible, let him be taken in hand by a comrade who has strong Nazi convictions and is not generaly known to the man in the street."

I think we can dispense with the rest of that.

"You are to report everything that comes to your notice, even though it may at first sight appear very insignificant. Rumors suddenly appearing also come in this category, however false they may be."

Do you remember your members in Rumania being told to report everything? That is, everything they see ?

A Yes, of course.

H0092 - 0044

Q "An important section of both of you and your organization must be industrial concerns and business enterprises, not only because you can transplant your propaganda very well in your work, particularly in such concerns, but because you can easily pick up informayion concerning storage facility . It is more important that the men who have been organized especially are active in industrial circles that can collect information and carry out acts of sabotage. Members with close connections in shippint and forwarding companies are particularly suitable for this work. It goes without saying that you must be meticulous and cautious when selecting your assistants."

THE PRESIDENT: Do you have some more to read from this document? If so, we will adjourn now until 2:00 o'clock.

(The Tribunal adjourned until 1400 hours.)

H0092 - 0045

Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 25 March 1946, 1400-1700, Lord Justice Lawrence presiding.

THE MARSHAL: If it please the Tribunal, the Defendant Streicher is absent from this session.

ERNEST WILHELM BOHLE -- Resumed.

CROSS EXAMINATION -- Continued.

BY LIEUTENANT COLONEL GRIFFITH JONES:

Q Witness, will you look again at the document we were reading before the Court adjourned. Would you look at the paragraph which commences "as everywhere else it is extremely important to know where the enemy is and what he is doing." My Lord, I am not absolutely certain that I didn't start reading.

THE PRESIDENT: Oh, yes, you had read that and the next one and the one at the top of page 3 in the English text. At least I think you have. You read the one beginning "an important section."

Q Perhaps I can start the paragraph commencing "an important section." Have you got that?

A Yes.

Q "An important section of both your and your comrades work must be industrial concerns and business enterprises, not only because you can transmit your propaganda very well in this way;particularly in such concerns you can easily pick up information concerning strange visitors. It is known that the enemy espionage organizations especially are active in industrial circles, both as regards collecting information and carrying out acts of sabotage. Comrades with close connections with the shipping and forwarding companies are particularly suitable for this work. It goes without saying that you must be meticulous and cautious when selecting your assistants."

In this connection a reference to interstate organizations and exchange

H0092 - 0046

organisations is relevant. I particularly want you to note these next lines:

"It has been proved that these often use harmless activities as camouflage and are in reality to be regarded as branches of the foreign intelligence service."

Witness, doesn't that exactly describe the way in which the Ausland Organization were carrying on their business? Read it again: "It has been proved that these often use harmless activities as camouflage and are in reality to be regarded as branches of the foreign intelligence service."

Doesn't that fit in with the directions that this Landesgruppenleiter of yours has been writing to his members in this document?

A On the contrary, I find that this is a clear proof that these organizations that are mentioned are in the service of foreign espionage and not Germany. I find here, first of all, what the British Prosecutor first brought up.

H0092 - 0047

Q Are you not giving instructions here, or is not your Landesgruppenleiter giving instructions to carry out counter-espionage -- the work that is carried on by the intelligence service? Isn't that what the writer is writing about so far?

A The letter--which I personally do not know of--apparently serves the purpose of telling foreign Germans to make reports wherever they meet signs of the intelligence service functioning; and I don't think that in time of war anything can be objected to in this.

Q Very well. We won't go on arguing about it. I understand that you know nothing about the instructions which are contained in that letter. This is the first you have ever seen or heard of it, is that right?

A No. I have never seen this letter before, and I don't even know if it is an original. This one that I have is not the original.

Q May I take it then that, of the countries around Germany in which your organization worked, you have no knowledge of the activities that they were carrying out in Belgium? You have no knowledge of the activities that they were carrying out in Norway? None about what they were doing in Spain; and not very much about what they were doing in Rumania either, is that correct?

A No, that is not correct. Of course I knew of the activity of these groups; but it is not entirely clear to me what activity is being brought out by the British Prosecution as one of the purposes of the Ausland Organization.

Q If you had knowledge of any of their activities. I understand from your evidence that you had none of the activities about which your own Ausland Organization Yearbook publishes a story. Both in Norway and Greece, the activities were recounted in those two stories. You knew nothing about them at all, is that right?

A The activity in Norway I did not know about. I have already testified to that effect. I knew very well the activity in Greece. Moreover, it was a perfectly normal activity.

H0092 - 0048

Q Very well. I want to leave that, and I just want to ask you two questions about another matter. Am I right in saying that the information -- and I am not going to argue with you how as to what type of information it was -- but the information that your organization sent back, was that passed on to the Defendant Hess?

A In part, yes; and in part no. That depended on the nature of the information. If it was information of an outer political nature, of course it went to some other office.

Q You were in fact acting as a pool of information, were you not? Let me explain myself: You were forwarding information that you received to the SS?

A In part, yes; also to the foreign office, yes.

Q And to the Abwehr, were you not?

A Very slightly, but also in part.

Q You say very slightly. Did you not have a liaison officer attached to your organization from the Abwehr?

A No. I had a collaborator who had an honorary connection with the Abwehr.

Q Perhaps we are talking about the same gentleman. Did you not have a Captain Schnauss attached to your head officer in Berlin?

A Mr. Schnauss was never a captain but was political leader and honorary officer of the SS. I believe he was sergeant. He did not come from the Abwehr, but was chief of personnel of the Ausland Organization and his function there was purely honorary.

Q You say he was not a liaison officer between your organization and the Abwehr?

A No, he was no officer at all. He did not belong to the army.

H0092 - 0049

Q I don't want to quibble with you about his rank. Was he, in effect, whatever he was, acting in a capacity of liaison between you and the Abwehr?

A Yes; that is correct.

Q Very well. Now, in addition to the information that Hess obtained through your system of reporting, that is, the Ausland Organization, did he also obtain information from those organizations which were dealing with the Volksdeutsche, that is to say, non-German citizens, racial Germans abroad who were not members of your organization, because you only allowed German citizens to become members of your organization. But the Volksdeutsche, I think you call them, did Hess receive information from other sources about their activities?

A I can't say, because I haven't spoken to Hess about this matter, and the matter of Volksdeutsche was entirely outside my sphere.

Q Dr. Karl Haushofer was for some time in 1938 and 1939 president of the V.D.A., was he not?

A I believe so.

Q Which was an organization dealing with the activities of the Volksdeutsche in foreign countries. I that correct?

A Yes, I believe so. I don't know very much about this sphere.

Q And, as you know, Hess and Karl Haushofer were great friends, were they not?

A Yes.

Q Haushofer had been Hess' pupil at Munich University; did you know that?

A Vice versa.

Q Do you not know that Hess received information from Haushofer as to the activities of these other organizations?

A No, of that I know nothing.

Q Well, now, I don't want to catch you out. Is that your answer? Are you being honest to this Tribunal?

A I should like to say that the deputy of the Fuehrer should in the course of events have a precise knowledge of the Volksdeutsche and the Ausland Organization and also pay very great close attention to Volksdeutsche questions. Also I have no knowledge of these matters.

H0092 - 0050

Q Hess as Deputy Fuehrer was in fact in charge of all matters concerning Germanism abroad, was he not?

A Yes, that is so, because he was born in a foreign country, but not in his capacity as Deputy Fuehrer. I don't believe there was any connection between those.

Q Very well. Are you telling the Tribunal that just because he was born in a foreign country he had charge of all matters concerning Germanism abroad?

A I assume so, because it might just as well have been any other Reichsleiter of the Party who took care of these matters; but I assume that Hess took them over for that reason, mainly because he knew foreign countries.

Q I want to be quite clear. Whatever the reasonwas, he in fact did have charge of them. That is your evidence?

A Yes.

Q Now, I just want to remind you of a passage in your interrogation in this building on the 9th of November. Do you remember that you were interrogated on the 9th--

A (Interposing) September?

Q On the 9th of November last.

A November, yes.

Q You were interrogated by a Lieutenant Martin, the afternoon of that day.

A I recall an interrogation by Lieutenant Martin, yes.

Q Let me read a short extract from the transcript of that interrogation and ask you whether, in fact, it is correct. You were being asked about the information which came back through the Ausland Organization.

"Q He would have to rely on you for his information on matters of that kind?

"A Not only that; I think Hess had any amount of connections in Hamburg through which he got information which he told me nothing about.

"Q What were his connections in Hamburg?

"A In the shipping companies." Rather like your Landesgruppenleiter' instructions in Rumania. "In the shipping companies. I think he knew

H0092 - 0051

quite a lot of people there. I always had some sort of idea he did.

"Q Is that Helfering?

"A Helfering for one, and then he had all sorts of information from abroad, I believe through Professor Haushofer, his old teacher, with whom he was very chummy. But he always made a point of not informing us on everything that was Volksdeutsch, because he said, 'It is not your business at all; you don't need to know that.'"

Is that correct?

A That is quite correct, yes.

Q And as you have said it there, is that a correct description of the position that Hess was in with regard to information from abroad, from agents abroad? Does that correctly state the facts as they were?

A So far as I can see, that must be so. I myself can only judge to the extent that the reports came through theAusland Organization. Otherwise I cannot make final judgments because I was not a part of that.

LT. COL. GRIFFITH-JONES: I have no further questions. Perhaps I might get the exhibits in order, the ones that I have referred to.

The Year Book of the Deutsche Ausland, from which the stories about Norway and Greece came, becomes

H0092 - 0052

GB-284. The two translations that you have are numbered 153 and 156, both of which become GB-284.

The secret wireless sets, telegrams, which was M-158, becomes GB-285; and the letter from Landesgruppenleiter Konradi, which was PS-3796, becomes GB-286.

THE WITNESS: May I ask the Tribunal's permission to say something more to one point developing from the British cross examination?

THE PRESIDENT: Yes.

THE WITNESS: May I begin?

THE PRESIDENT: You may give a short explanation. You are not here to make a speech.

THE WITNESS: No, I don't want to make a speech. I simply want to make some further remarks about the question of the secret wirless sets that was brought up this morning.

Although I am not exactly informed about these secret wirelesses, I suppose that they only have a purpose in a foreign country if there is a receiving station in Berlin. I know very well that in my office in Berlin or in any other office of the Ausland Organization there was no such receiving apparatus; and I can assume that there was no such receiving set in Berlin at all.

BY COLONEL AMEN:

Q Do you recall being interrogated on September 11, 1945, by Colonel Brundage?

A Yes.

Q I want to read you a few questions and answers from your interrogation and ask you whether you recall being asked those questions and having made those answers.

"Q Now, when you started, your immediate superior was whom?

"A Rudolf Hess, up until 1941 when he left for England.

"Q Who succeeded him?

"A Bormann. Martin Bormann was automatically the successor of Hess, but he didn't really fit in for us, because Hess was a man from abroad. He was born in Egypt, whereas Martin Bormann never understood anything about foreign affairs, never troubled about them at all, but of course he was my superior.

H0092-0053

"Q But he was nominally your chief?

"A He was my chief technically,but he hadn't given any orders or directives or anything like that, because he didn't understand anything about it.

"Q So that everything that was done in your office, you would say you were responsible for?

"A Absolutely.

"Q And you are willing to accept the responsibility for that?

Q A Of course I am."

Do you remember being asked those questions and having made those answers?

A Yes.

Q And were those answers true when you made them?

A Absolutely true.

Q And are they still true today?

A They are still true.

Q So that you accept responsibility for everything which you office was conducting; is that true?

A Yes, that is true.

Q Who was von Straempel?

A Von Straempel was, I believe, Ambassador's counsel in the foreign office, but I don't know him.

Q Was he not the first secretary in the German Embassy in the United States from 1938 until Pearl Harbor?

A I can't say precisely. I knew him not very well and had no connection with him.

Q Well, he was interrogated with respect to the support of the German-American Bund by the Ausland Organization prior to 1938, and I want to read you just one or two questions and answers which he made and ask you whether they conform to your understanding of the facts. Do you understand?

A Yes.

Q "Q Was the German-American Bund supported by the Ausland Organization

H0092 - 0054

"A I am positive that it had relations with the foreign section of the Party. For example, I am sure they advised the Bund how to draw up their political organization, how, where and when to hold mass meetings, and how to handle their propaganda, and like matters. I do not know of my own knowledge whether they received financial support."

Does that conform with your understanding of the facts?

A No; that is a completely false representation. The Ausland Organization did not in any way support the Bund financially and had no connections with it. That I have said clearly in many interrogations here in Nurnberg, and have deposed an affidavit to that effect.

H0092 - 0055

Q I know you have. So that if von Straempel has sworn that that is a fact, your testimony is that he was not telling the truth. Is that correct?

A That is correct. I am of the opinion that von Straempel, if he was first secretary, didn't and couldn't know anything of that matter and gave testimony about something of which he knew nothing. At any rate, whatever he said was not true.

Q Are you familiar with the fact that in 1938, an order was issued prohibiting members of the German Embassy and Consulates to continue relations or connections with the Bund?

A A general order was issued to German citizens in foreign countries to resign from the Bund but as far as I know, that occurred years before 1935 or 1936, and it originates with the deputy of the Fuehrer on my request.

DR. SEIDL: This question has nothing to do with the theme on which the witness is being interrogated and no question was directed towards him in his direct examination that has any connection with this question; namely, the activity of the German-American Bund, nor do I believe that this form of interrogation is designed to test the credibility of the witness. The reasons for which he was called as a witness have nothing to do with this series of questions.

COLONEL AMEN: It seems to me to have a very direct bearing on whether or not this organization was engaged in espionage work abroad and within the United States.

THE PRESIDENT: Certainly. In the opinion of the Tribunal, the questions are perfectly proper.

BY COLONEL AMEN:

Q Is it not a fact that in spite of that order, the foreign section of the Nazi Party nevertheless continued to support the Bund?

A I do not know of that and I consider it to be out of the question.

Q Now, I would like to read you one or two further extracts from the interrogation of Straempel and ask you whether these statements conform with your knowledge of the facts:

H0092 - 0056

"Q Did the foreign section of the Party continue to support the Bund after the order you mention before was issued?

"A I am sure that Mr. Drege, Consul in New York City and representative of the foreign section of the Party, did continue to have relations with Bund officials."

Does that conform with your recollection of the facts?

A No. In my opinion, that does not correspond to the facts--whether the Consul Drege had connections against my command, I cannot judge, but there was the specific order that he should have nothing to do with the Bund, because from the very beginning I objected strenuously to the activities of the Bund and was supported in my objections by the deputy of the Fuehrer.

Q You were acquainted with Drege, were you not?

A Yes.

Q What was his position in the United States, in so far as your organization was concerned?

A He was a liaison officer for the Ausland organizations for the various members that we had in the United States.

Q He was what was known as a confidential agent, was he not?

A No, that he was not.

Q And as a matter of fact, you called him a "confidential agent" in your interrogation, did you not?

A No. I called him a "Vertrauensmann". The translation was "confidence man".

Q Well, I will accept that correction. He was a confidence man for your organization in the United States. Correct?

A That is true, yes.

Q And in addition to him, there were other confidence men of your organization in the United States? Correct?

A Yes, correct.

Q Will you tell the Tribunal what their names were and where they were located?

A One was General Consul Wiedemann in San Francisco. Then Dr. Gissling in Los Angeles. Then Consul von Spiegel, I believe, in New Orleans

H0092-0057

or maybe Boston. I believe that is all.

Q And each of those individuals made reports from time to time which were forwarded to you through Drege. Is that not a fact?

A No, they made no reports to me. I cannot recall that I ever received any reports from Wiedemann or Spiegel. That wasn't their job either.

Q Drege made the reports to you, did he not?

A Drege made reports to the Ausland organization in Berlin or to me personally.

Q And contained in those reports were various items of information collected by these other confidential agents? Isn't that correct?

A I don't know. I don't know about these reports and I can't say whether there was anything to report. We had no Party organization in the United States. We had one but it was dissolved by Rudolf Hess in 1933.

Q So you say: but you nevertheless had an individual in Germany, whose duty it was to read and pass upon these reports from Drege as they came in. Is that not a fact?

A The reports that came were of a purely technical nature so far as I know and we had very little to do in the United States with the Party and nevertheless such connections that we had, had to be investigated so their political rights can be protected. Such an organization was forbidden and did not actually exist.

Q But I am suggesting to you that in spite of the order, the activities of your organization nevertheless continued. Now, is it not a fact that there was an individual in your organization in Germany who received these reports from the United States regularly.

A That was my collaborator, Herr Grote.

Q I beg your pardon!

A My collaborator, Mr. Grote.

Q Correct. Why didn't you tell me that before when I asked you about the individual who read these reports from the United States as they came in?

A Please repeat the question.

Q Well, I will withdraw that question. After Grote received these reports from the United States regularly, to whom did he report the substance of those reports?

A So far as I know, he kept them to himself because they contained nothing of interest and he, himself, was not in a position to do anything about them. Mr. Grote had an honorary position with us because of his advanced age and took over the branch of the office because it was of no importance at all in the Ausland organization.

Q So that you were in no position to know what was contained in those reports?

A That is in alarge part correct.

Q You don't know whether or not they were important and you don't know whether or not they contained information relative to espionage matters. Is that correct?

A I am sure that if they did contain such information, Grote would have submitted them to me.

Q Well, outside of that, you have no knowledge of it whatsoever. Is that correct?

A That is correct, yes.

Q Now, let me read you one or two more excerpts from the interrogation of von Straempel:

"These relationships seem to have violated the order you mentioned before. Did he report these violations to the foreign office?

"A Yes, several times. In reports I drafted for Thomsen when I was in the embassy, we drew the attention of Berlin that this relationship to the Bund was detrimental. I stated that the continued support of the Bund by the foreign section of the Party was harming diplomatic relations with the United States.

"Q What action was taken in Berlin to halt the activities of which you complained?

"A I know of no such action."

Does that conform to your knowledge of the facts?

A I know n thing about these reports by Herr Straempel. This is

H0092 - 0058

the first time that I heard of any protests from the ambassador in Washington regarding non-permissible relations with the Bund.

Q You know who Thomsen was, do you not?

A Thomsen was the secretary of the Legation in Washington.

Q And you knew that from time to time various officials of the Bund came over here and had conferences with representatives of your organization and of the Fuehrer, do you not?

A I have heard that they visited the Fuehrer but they did not visit me and they had no conferences of any sort with me.

Q I didn't say with you. I said with representatives of your office; perhaps your friend, Mr. Grote?

A That is possible but I can't say precisely because he made no reports to me on this matter and he was not in a position to have discussed any official matters, because Grote knew very well that we repudiated altogether the activities of the Volksbund in America.

Q In any event, however, you accept responsibility for everything which was done in your organization. Correct?

A That is a matter of course.

THE PRESIDENT: Do either of the other Chief Prosecutors wish to cross examine? Then, Dr. Seidl, you can re-examine if you wish.

H0092-0059

H0092 - 0060

RE-DIRECT EXAMINATION

BY DR. SEIDL:

Q Witness, you previously answered a question that was asked you by saying there was no secret radio station in Germany in a position to receive secret communications. I ask you now: Did you have a sending station in Germany?

A No.

Q Did the Ausland Organization have such a transmitter?

A I consider that out of the question. If there had been, I would have known of it. I never saw one.

Q Is it correct that no radio communications took place in code?

A Yes.

Q You stated previously that the Deputy Fuehrer Hess was your immediate superior.

A Yes.

Q The directions that he gave you wre of a general nature, or did the Deputy of the Fuehrer concern himself with the details of the work of the Ausland Organization?

A The Deputy of the Fuehrer gave only general directions and left all the details up to me because I had his complete confidence. The general orders were of the tenor that he repeated to me again and again that I should guard against everything that would be to the detriment of foreign relations through the Ausland organization.

DR. SEIDL: I have no further questions.

THE PRESIDENT: The witness can retire.

DR. SEIDL: My Lord Justices, before I go on to my next witness, the witness Stroelin, I should like to make the following application to the Tribunal:

Regarding the sworn statement of the witness Gauss, is it to be handled in the same way as it was with the witness Bohle? Gauss was allowed as witness for another defendant. The defense counsel for this other defendant renounced calling this witness. The matter is the same as in the question of Bohle, that it would be better, in my opinion, to hear the witness Gauss now, and during his interrogation to present him with his sworn statement as was done here before.

H0092-0061

THE PRESIDENT: Has the affidavit been translated yet and submitted in the various languages to the chief prosecutors?

DR. SEIDL: I don't know whether the translation is complete. At any rate, this noon I turned the affidavit over to the translating department.

THE PRESIDENT: Can you tell me, Sir David or Colonel Pokrovsky?

SIR DAVID MAXWELL-FYFE: My Lord, I haven't seen this affidavit, and, my Lord, with regard to the last one, we got it hurriedly translated into English, but it was only by the kindness of my Soviet colleagues who allowed the matter to go on without a Russian translation and left it to my delegation to deal with that the matter went on. Otherwise, my Soviet colleagues would have asked the Tribunal to have it put back.

It is very difficult when these affidavits are sought to be put in at the last minute without having given us a chance of seeing them.

THE PRESIDENT: Perhaps Colonel Pokrovsky could tell me whether he has seen this affidavit or had it translated yet.

COLONEL POKROVSKY: Members of the Tribunal, I fully share the viewpoint of Sir David Maxwell-Fyfe. It seems to me absolutely unacceptable to have this document presented to the Tribunal now.

If I understood Sir David Maxwell-Fyfe correctly, he did not receive this affidavit. The Soviet delegation is in the same position. Besides, I would like to remind you that the question of this witness has already been discussed and it was fully decided, and it seems to me there is no foundation for further discussion of this question.

THE PRESIDENT: Dr. Seidl, the Tribunal considers that the course which must be taken is that that affidavit must be translated and submitted to the Tribunal for their consideration, for this witness was allowed to the defendant Ribbentrop, I think, and then he withdrew his application for the witness. You haven't applied for the witness Gauss, and I would point out to you and to the other counsel for the defendants that it is very inconvenient that documents of this sort, after all the question of witnesses and documents has been thoroughly gone into by the Tribunal, should be presented at the last moment and without any translation whatever. But we won't go into it now, and it must be translated and submitted to the Tribunal in the three languages.

H0092 - 0062

DR. SEIDL: Perhaps I could make one short remark to the last point you made. It has always been my point of view so far that an application for submission of evidence would not be necessary in the case of a witness who has already been allowed by the Court for another defendant. That is certainly the case as far as Gauss is concerned. I consequently felt no need to make a formal application because I had the opportunity anyway to interrogate the witness in cross examination.

I have just been informed by Defense Counsel for Ribbentrop that, as his deputy said last Saturday, he will forego calling the witness Gauss, and now I, in my turn, call Ambassador Dr. Gauss as witness regarding the data he set down in his sworn affidavit.

THE PRESIDENT: I don't know what you mean by saying you call him. You can apply to call him if you like, but you don't call him until you apply.

DR. SEIDL: That's what I mean.

THE PRESIDENT: When we have seen this document, we will determine the question.

DR. SEIDL: The next witness who was approved by the Court for the defendant Hess is the witness Karl Stroelin. In order to save time I have prepared an affidavit for this witness, and I ask the Tribunal to tell me whether I can treat this witness in the same way as we handled Bohle, or whether the Prosecution is agreeable to having only the affidavit presented.

THE PRESIDENT: Have they seen the affidavit?

DR. SEIDL: I gave the affidavit to the Prosecution this morning.

SIR DAVID MAXWELL-FYFE: I have an English translation of the affidavit. There are one or two questions the Prosecution wants to put to the witness, so I suggest that the most convenient course would be if Dr. Seidl did as he did with the last witness, to read the affidavit, and then after the affidavit is read, the few questions that the Prosecution desires to be put can be put to him.

THE PRESIDENT: Yes, very well.

Colonel Pokrovsky.

H0092 - 0063

COLONEL POKROVSKY: I must report to the Tribunal and to you, Mr. President, that as far as this document is concerned, the defense counsel once again violated your order. That is, the Soviet Prosecution received this affidavit just a very short time ago, about one or two hours ago, and it wasn't received by us in Russian but in English. Therefore, I only had the opportunity of familiarizing myself very slightly withit, and I ask to have the presentation of this document postponed until the time when the order of the Tribunal is complied with, in other words, not until we have received our document in Russian.

THE PRESIDENT: But, Colonel Pokrovsky, in the interest of the time of the Tribunal, wouldn't it be better to get on with it now? Sir David has apparently seen the affidavit and read it in English, and if he is satisfied upon that, wouldn't it be better to go on with that rather than to postpone it?

You see, Dr. Seidl has actually been allowed this witness, so that it is only a question of time, doing it by way of an affidavit when he can call him, and he can then ask him questions.

COLONEL POKROVSKY: I repeat once again that I have familiarized myself with it very slightly. If I understand correctly, there is no particular interest of the Soviet delegation in this affidavit. It is really of interest to the British delegation more than it is to us, and if Sir David considers --

THE PRESIDENT: (Interposing): Colonel Pokrovsky, you see the witness was allowed to Dr. Seidl. Therefore, Dr. Seidl could have put him on the witness box and could have asked him questions, and the only reason for doing it by way of an affidavit is to get the matter more clear and more quick. So if we were to order that this affidavit was not to be used, we should then have Dr. Seidl asking the witness questions, and probably, I am afraid, taking up rather longer than it would to read the affidavit, and you wouldn't object to that.

H0092-0064

COLONEL POKROVSKY: Perhaps the Tribunal could find it possible to ask to have Dr. Seidl ask the witness questions which are already answered in the affidavit. It seems to me thatwould give the opportunity to reconcile this contradiction we have now presented in this argument.

There are only a few questions in the affidavit and the first three, if I understand them correctly, are mostly of a historical character connected with the organization of the Institute in Stuttgart in 1917.

THE PRESIDENT: Colonel Pokrovsky, I have not read the affidavit yet so I am afraid I am not in a position to present the questions which you wish me to present.

COLONEL POKROVSKY: All right, I will withdraw my objection.

THE PRESIDENT: Call your witness then now.

DR. SEIDL: Yes, I will call the witness.

KARL STROELIN, called as a witness, testified as follows:

BY THE PRESIDENT:

Q What is your name?

A Karl Stroelin.

Q Will you repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down if you wish.

DIRECT EXAMINATION:

BY DR. SEIDL:

Q Witness, you were last Lord Mayor of Stuttgart, is that correct?

A Yes.

Q In this capacity were you also Honorary President of the German Auslandsinstitut?

A Yes.

Q You signed a sworn affidavit this morning which I shall now read to you.

"1. The German Auslandsinstitut was founded in Stuttgart in the year 1917. The fact that Stuttgart was chosen as the seat of this Institute is connected with the fact that a particularly high percentage of emigrants have

H0092 - 0065

always come from Swabia. Thus it was that it was precisely in Stuttgart that there arose a need to found an institute for the purpose of keeping up a patriotic connection between the old homeland and the new. The German Auslandsinstitut was to serve this purpose. It had the following tasks:

"(a) Scientific research into Germanism in the world.

"(b) To keep up cultural connections with the emigrants.

"(c) The education of the home country about Germanism abroad and about foreign countries.

"For scientific research the German Auslandsinstitut had a library of over one hundred thousand volumes on folklore and a newspaper archive for Germanism abroad. For this reason nearly all newspapers in the German language published abroad and a large number of newspapers in foreign languages were kept and utilized. In one filing room an extensive collection of pictures was organized.

"As the interest of Germans abroad in the homeland increased, family research took on even greater proportions.

"Apart from its collecting and registering activities, the German Auslandsinstitut carried out no advisory or representative activities. For a long time the main subject for advice was the question of emigration. This had, as a pre-condition that the German Auslandsinstitut was informed regarding the possibility of employment and the conditions of life in the individual areas for emigration.

"The material of the German Auslandsinstitut was placed at the disposal of the various authorities and organizations on demand. The German Auslandsinstitut work of presentation consisted eventually in organizing expositions. The central point of this activity was the Museum of Germanism abroad in Stuttgart. It was to be at the same time a monument to German achievements abroad.

"The scientific work of the German Auslandsinstitut found its expression particularly in the books, magazines, and calendars of a native character published by it. Relations with the Germans abroad were kept up by the dispatch of such printed material. The guiding thought of the German Auslandsinstitut in its relations with the Germans abroad was that these

H0092 - 0066

Germans abroad were to be the connecting links between nations so as to deepen the mutual understanding and wish for collaboration. They were to be the bearers of friendship between their old and their new home.

"As President of the German Auslandsinstitut, I particularly stressed this thought in my address in Madison Square Garden in

H0092 - 0067

New York City in October 1936 on the occasion of 'German Day'. The German Auslandsinstitut had, moreover, no installations or representatives abroad; corresponding members acted as links. A direct or individual caring for Germans abroad was not the task of the German Auslandsinstitut. The welfare of German nationsl abroad was undertaken by the Ausland organization of the N.S.D.A.P.. Relations with the racial Germans were maintained by the 'Volksbund Fur das Deutschtum im Ausland' (Peoples Union For People of German Blood Abroad).

"The German Auslandsinstitut never carried on any activities which could be called 'fifth column' activities. No suggestion of this kind was submitted to me or to the Institute by anybody.

"The Deputy of the Fuehrer, Rudolf Hess, did not exert any influence on the activities of the Institute. He issued no directives or instructions of any kind which could have caused theInstitute to undertake any activity in the way of 'fifth column' work."

Witness, are these statements correct?

A They are.

DR. SEIDLE: I have at the moment no further questions to direct to the witness.

THE PRESIDENT: Do any of the defendants' counsel wish to ask any questions of this witness?

DR. von LUEDINGHAUSEN: (Defense counsel for defendant von Neurath): May it please the Tribunal, I should like to ask the witness a few questions.

BY DR. von LUEDINGHAUSEN:

Q From when to when were you Lord Mayor of Stuttgart?

A From 1933 until the end of the war.

Q And for how long do you know von Neurath; what was he then and what was his position?

A I know von Neurath from the time of the First World War. He was at that time, at the end of the First WorldWar, chief of the cabinet of the Koenig of Wuerthemberg. In my capacity as Lord Mayor I met von Neurath frequently. In 1928 von Neurath became an honorary citizen of Stuttgart.

H0092 - 0068

Q You had closer connections with him later when he came back from Czechoslovakia?

A When he came back from Vzechoslovakia he retired to his estate in the neighborhood of Stuttgart and here I had closer and steady connections with him.

Q What do you know about his ancestry, his education, his personality, in general?

A Von Neurath is from an old Swabian family. His father was Oberstkammerherr of Wuerthemberg. His grandfather and his great grandfather were ministers.

Von Neurath was very well thought of, considered a dignified and noble character, a disciplined personality, always ready to help, extraordinarily humane, very conscientious.

Q During his activity as Foreign Minister later, did you have an opportunity to speak about politics with him and particularly about his attitude toward politics and foreign policy?

A Von Neurath repeatedly spoke to me about these matters, of course, only in general terms, As Reich Foreign Minister he was convinced that Germany would succeed inpeaceful ways to get that place in the world which it deserved. He repudiated any other way. It was his effort to build up trusting relationships with other European nations and to strengthen these relations, particularly with England. It was precisely in this field that he did everything that was possible.

I later had occasion to discuss the book by Henderson with him, in which it was particularly emphasized how extraordinarily popular von Neurath was in London at that time. I recall that we also discussed the sentence that Henderson wrote, namely, that he admired von Neurath's devotion to peace and to better relations with England. It was also his concern to cultivate better relations with the United States. I recall that he, after my trip to America, spoke to me on the subject and that it was good that I had emphasized in my address friendship with the United States.

I also remember how von Neurath criticized the tone of Hitler's address which in the year 1939 was given by Hitler as an answer to Roosevelt's message

H0092 - 0069

He said at that time that international tension was only increased by that speech of Hitler's.

Then von Neurath also spoke of the Munich agreement, in which he was an active participant. Then later he spoke again and again of the tragedy that was implicit in the fact that despite all efforts, the relations between England and Germany were characterized by no lasting reciprocal confidence. He pointed out how tragic that was for Germany and for the world.

From all my conversations with von Neurath I reached the conviction that he desired an understanding and peaceful settlement and from all his statement I became convinced that he would never have pursued a policy that might possibly lead to war.

Q These were the reasons for his being appointed an honorary citizen of Stuttgart?

A That appointment took place in 1938, on the event of his fifty-sixth birthday. This appointment expressed not only Stuttgart's but also Swabia's appreciation of the efforts that he had made toward international peace and toward the betterment of international politics. It also expressed our respect for his honest and pure character.

H0092 - 0070

Q The British prosecution assert that von Neurath several times gave assurances to foreign governments or to their representatives that Germany had no military intentions toward these states, but that these assurances were simply given for the sake of appearances in order to lull these states into a false sense of security, because von Neurath knew then and approved of the fact that Hitler did have aggressive intentions toward these states. From your knowledge of his personality do you hold von Neurath capable of such infamy?

A No, I do not hold him cap able of any such action.

Q Did von Neurath inform you of his resignation from the position as foreign Minister?

A I was, accidently, in the year 1938 with von Neurath in the foreign ministry at the moment of his resignation. He described to me how this resignation came about. Until the end of the year 1937 von Neurath was convinced that Hitler was altogether in sympathy with the foreign policies that he was pursuing. Hitler as well as himself had not wanted to let matters come to the point of war. Now altogether unexpectedly Hitler at the end of 1937 changed his attitude. Hitler suddenly struck a different note, and it was impossible to know from this note whether it was meant seriously or not. Von Neurath then had a personal conversation with Hitler and attempted to dissuade him of this different attitude, but he had the impression that he had lost his influence over Hitler, and that induced him to submit his resignation.

Q Simultaneous with his occupancy of the foreign ministry he was appointed the President of the Secret Cabinet. Do you know what his activity was in this capacity?

A His appointment as president of the Reich Cabinet he maintained after his resignation, but this Secret Cabinet did not meet nor did the Reich Cabinet meet. The Secret Cabinet was to be called by Hitler personally, and Hitler never called it. Von Neurath believed later that he had been appointed president in order to conceal from foreign countries that the foreign minister had no more influence on the policy of the Reich as a whole.

THE PRESIDENT: Dr. Leudinghausen, I don't see how this witness can know whether the Secret Cabinet Council was ever called. In any event

H0092 - 0071

we have already heard it from Goering, and presumably we shall hear it again from the defendant von Neurath, in which case it is grossly cumulative.

DR. LUEDINGHAUSEN: Sure enough.

THE PRESIDENT: I don't think we should waste the time of the Tribunal with it.

BY DR. LUEDINGHAUSEN:

Q Did you occasionally speak to von Neurath regarding his attitude toward the Nazi Party?

A Von Neurath's attitude toward the Party was critical, and first he was simply waiting to see what would develop. His relations with the Party were bad. The Party realised the attitude that von Neurath was no National Socialist.

Q Did you officially discuss the policy of the Nazis toward the Christian churches, namely, the Evangelical and the Catholic?

A Von Neurath was a believer and disapproved of the policy of the Party toward the church. He particularly supported efforts to maintain religious freedom. He exercised his influence to see to it that seminaries that were closed were opened again. Here too I was with von Neurath and church minister Kerrl, and spoke with him about the policy toward the church. Church minister Kerrl was making efforts to represent positive Christianity, but he did not succeed in this because in his activity he was sabotaged, particularly by Himmler and Bormann.

Q Did you then later, when von Neurath retired to his estate, speak to him about his activities as Reich Protector?

A Von Neurath said that he took the post as Reich Protector in Bohemia and Moravia very unwillingly. He had refused it twice, but he finally came to believe that he must make this sacrifice. He believed precisely that there he could bring about some reconciliation. He had considerable difficulties with Himmler and Frank , who objected to his efforts to have a better treatment of the Czechs, and made objections to Hitler on this subject. When I visited von Neurath there I was asked to visit President Hacha, and he emphasized to me how happy he was that von Neurath had been sent to Bohemia and Moravia, since he had high confidence in him and hoped for good things of him. The reason for his being called back -- von

H0092-0072

Neurath told me--was that he was too mild for the Fuehrer in his treatment of the Czechs, and that the Fuehrer subsequently preferred to have a trusted SS man in that position.

Q Who was then to be appointed?

A That was Heydrich.

Q Was that von Neurath's reason for resigning?

A Apparently.

Q Now, von Neurath was also an Ehrengruppenfuehrer of the SS (honorary Gruppenfuehrer of the SS). How did he achieve this position?

A He told me that he was an honorary leader of the SS without his having been asked whether he wanted to be or not. Hitler told him the reason for this was that Mussolini was to pay a visit and he wanted von Neurath in his entourage with a uniform on, and since von Neurath had no uniform he named him an honorary member of the SS. Von Neurath said he did not have the intention of following out Himmler's policy. Hitler told him that that was not necessary, it was only important that he should wear a uniform.

Q What was von Neurath's attitude toward war?

A During the first days of the war I accompanied von Neurath to the railroad station. He was very depressed. He called the war a terrible misfortune, a gambling with the whole existence of the people. He said that all his work from 1923

H0092 - 0073

to 1938 had thereby been destroyed. During the war von Neurath saw the Fuehrer occasionally. On each such occasion he had an opportunity to represent to the Fuehrer the thought of peace.

THE PRESIDENT: How can the witness say this: he wasn't present at these meetings? How can the witness tell us what the defendant von Neurath said to the Fuehrer?

DR. LUEDINGHAUSEN: That is what the defendant told him. That was told the witness by the defendant directly.

THE PRESIDENT: It will be all extremely cumulative.

DR. LUEDINGHAUSEN: I don't believe so. I think that all would be necessary and that the defendant could corroborate this.

THE PRESIDENT: Dr. Luedinghausen, the Tribunal imagine that the defendant von Neurath will give this evidence himself, and the Tribunal does not wish to hear evidence from witnesses that was told to them.

DR. LUEDINGHAUSEN: Very well, I shall forego further questions in that direction. I should like to ask only one more question.

BY DR. LUEDINGHAUSEN:

Q Did not von Neurath tell you and other people of his efforts to put an end to the war that Hitler was leading?

DR. LUEDINGHAUSEN: There are matters about which the witness knows personally.

THE WITNESS: Von Neurath, after his return from Prague, spoke to me several times about these matters. He made efforts particularly to bring about a meeting of the Reich Cabinet, but this did not succeed since Hitler regarded this Reich Cabinet as a group of defeatists. In his efforts to bring about the end of the war von Neurath tried to bring about a change of ministers and to promote someone else for the Reich Chancellorship. Also that was of no avail. In the year 1943--

THE PRESIDENT: This is the same thing over again -- nothing about what von Neurath did but all about what von Neurath said to this witness.

DR. LUEDINGHAUSEN: That is coming, Mr. President; these are only preliminary remarks of the important matters to come.

THE PRESIDENT: I thought you said you had one last question?

H0092-0074

DR. LUEDINGHAUSEN: That is coming. These questions lead up to--

THE WITNESS: After these efforts on von Neurath's part came to nought, and he saw that nothing was of any avail, and that Hitler was intrasigent, von Neurath at the beginning of 1944 came to the conviction that the salvation of Germany before complete destruction of Germany could only be brought about by the destruction of Hitler. He made one last effort to speak to Hitler and tried to persuade him to conclude the war. I was commissioned to speak to Fieldmarshal Rommel about this. The Fieldmarshal was very popular in Germany and abroad, and it was von Neurath's point of view that Rommel was such a person as could replace Hitler. Then in March of 1944 I went to Fieldmarshal Rommel and spoke to him about these matters. Rommel was just as critical of the situation as I was, so that I could speak to him perfectly openly. It was also his point of view that if the war could not be won militarily and could simply lead to a senseless destruction and to unnecessary--

THE PRESIDENT: We really don't want all this conversation between this witness and Rommel. We don't want it. We won't hear the conversation between this witness and Rommel.

DR. LUEDINGHAUSEN: I don't want to hear these matters discussed by the witness either.

THE PRESIDENT: Why don't you stop him then?

DR. LUEDINGHAUSEN: I don't want to hear it from the defendant himself, but from those persons who were in the service of the defendant in order to bring about these steps. That in my opinion is of more weight than if the defendant makes these statements himself.

THE PRESIDENT: When we come to the defendant then we will not hear him on these subjects.

DR. LUEDINGHAUSEN: On these last matters, no. The matter will be finished in just a few words.

BY DR. LUEDINGHAUSEN:

Q Please, witness.

A Rommel then, on von Neurath's commission, wrote a letter to Hitler saying that because of the military situation there was no possibility of

H0092 - 0075

winning the war, and Rommel suggested to Hitler that he start peace negotiations. For this reason Rommel fell into disfavour, and for this reason von Neurath's efforts to end the war through Rommel came to nought.

DR. LUEDINGHAUSEN: And then the 20th of July came along and everything was done. I have no more questions.

THE PRESIDENT: The Tribunal will adjourn.

(A recess was taken).

H0092-0076

THE PRESIDENT: Do any of the other defendants' counsel want to ask questions of this witness?

LT.COL. GRIFFITH-JONES: May the witness be handed GB-262. My Lord, that is the same document of which an extract has already been handed up to the Tribunal while I was cross-examining the last witness.

CROSS-EXAMINATION

BY LT. COL. GRIFFITH-JONES:

Q Witness, I want to be quite clear as to what you say about the Deutsches Auslandinstitut. Do you say that that institute had no connection with either Hess or the Ausland Organization?

A The Auslandinstitut had no connection with Hess and with the Ausland Organization had its meeting and rallies at Stuttgart.

Q So that the fact that the Ausland Organization and the Deutsches Auslandinstitut both had their meeting at Stuttgart is the only connection between the two organizations; is that so?

A The Ausland Organization to ma knowledge did not take up the time of the other in factual matters for it had its own collection of material. The Ausland Organization was, as far as I know, established in the year '32.

Q Now, I don't want to stop you, but if you can answer my question "yes" or "no" it will save us all a great deal of time. I will repeat my question in case you are not quite clear about it. Do you say that the fact that both those organizations held their meeting in Stuttgart is the only connection between the two? Now you can answer that "yes" or "no".

A I cannot answer this question with one "yes" or "no". I must say that the connecting link was the fact that Stuttgart was the city of foreign Germans and was the representative city of Germans abroad, that is because of its historical background and allied field.

Q Do you read English?

A Just some.

Q Will you look at page 461 of the book that you have? At the botton of page 461 you will see reproduced a copy of an article from the "Stuttgarter Neues Tagblatt" of the 21st of September 1933.

H0092 - 0077

The Tribunal will find the extract on page 4 of the translation.

That article describes the annual meeting of your institution after its reorganization in 1933 after the Nazi Party came to power. I just want to read four short extracts from that article 2 and ask you for your comments.

"The chairman of the Deutsches Auslandinstitut, Dr Stroelin, opened the celebration."

That is yourself presumably, is that so?

A Yes.

Q "He greeted amongst those present, in particular, Ministerpresident and Minister of Religion in Wuerthemberg, Morgenthaler as representative of the supervisory authorities, General Haushofer of Munich as representative of Rudolf Hess, who has been entrusted by the Fuehrer with the supreme direction of all matters concerning Germans in foreign countries."

Did you say that?

A I cannot remember having said that. Haushofer was for me the representative of the V.D.A., and I cannot conceive how he might have been the deputy of Hess at this occasion.

Q Do you think the Tribunal is safe in taking it that the "Stuttgarter Neues Tagblatt" on the day after that celebration would accurately report what you said in your opening address?

You didn't look at the rest of it for the moment. It is not likely that that article is untrue or incorrect, is it?

A No, the article is probably correct, but I was not clear on this point that Haushofer at that time was the deputy of Hess for Hess had no connection with the Auslandinstitut.

Q It appears that you are saying there, and you are saying it in a speech, that Haushofer is representing Hess and that Hess has been charged by the Fuehrer with the supreme command of all matters concerning Germans in Foreign countries. Do you understand what you are saying there?

H0092 - 0078

A Yes, it may have beenput that way at that time, but practically we never arrived at the point that I received a directive of any kind from Rudolf Hess.

Q Your institution could correctly be said to concern itself in matters concerning Germans in foreign countries, could it not?

A I did not understand the question.

Q Did your institution, the Deutsches Auslandsinstitut, concern itself in matters concerning Germans in foreign countries?

A Yes, of course.

Q Then I shall leave that. Will you look down the page and omit the next --

A I would like to clarify this point. It was the first time that I made a speech for the AI and the speech was formulated in accordance with the personalities who were to be greeted. I cannot remember that Haushofer was functioning in that capacity and would like to reiterate that I as honorary president knew nothing about this, that Hess gave directives for the Auslandsinstitut.

Q You may know nothing about it and you may not, but you were the new chairman of the Deutsches Auslandsinstitut, were you not?

A No, I was not the chairman. The chairman was a special leader. In my capacity as Lord Mayor I was active in a side-activity. I was the president of the institute and it is impossible to say whom and how I greeted these personalities at the time.

Q Please confine yourself to answering the particular question I put to you: Were you or weren't you the chairman of the Deutsches Auslansinstitut on the 20thof September, 1933?

A Yes, I was appointed at that time.

Q You had just been appointed because you were a good Nazi and the Nazi Party had come to power and were reorganizing this institution?

A I was appointed because I was Lord Mayor of Stuttgart and because Stuttgart which was called the city of foreign Germans had very close connections with Germans abroad because of tradition.

Q Well, now, we will go on. Will you please omit the next short paragraph and look at the paragraph which starts off, "Deputy Gauleiter

H0092-0079

Schmidt representing Dr. Goebbels stated the local party leadership"--

A What page is that on, please?

Q It is on the same page.

A Page 61?

Q I beg your pardon. It is on page 62. We turned over the page. Page 62. And it is the third paragraph in the centre of thepage.

A Yes,I found the place.

Q "Gauleiter Schmidt representing Goebbels stated the local party leadership Gauleiter is prepared to cooperate through thick and thin with the new officers of the DAI." Hess, you know, was in charge of theparty leadership, wasn't he -- the Gauleiter? We will go on: "National Socialism will dmend the blood community of all Germans as its historic right." Will you look -- now, we will leave that -- at page 463 --

A May I make a remark in connection with this, please?

Q Yes.

A The Deputy Gauleiter, Schmidt, was here purely in his capacity as a Deputy of the Gauleiter, but he was not the Deputy of Rudolf Hess.

Q No. But the point I am putting is that the Gauleiter came which under Hess was going to cooperate with your institution through thick and thin. You appreciate that?

A That was taken for granted.

Q Will you look at page 463? It is the second paragraph. In his address the new director of the DAI, Dr. Sakin, stated, "We have followed with deep pain the inner disunity of the German people. Now, since all that has been overcome, since we see that all the German volk" -- that's the Volksdeutsche -- "are standing in one line, we are filled with a feeling of pride for our German mother-country, a feeling of happiness that Germany is united. The feeling of adherence to the German people gives us a happy consciousness. In the course of centuries this or that position has been lost. We must prevent any more from being lost. It gives us a feeling of pride and self-consciousness that we are the bridges for German lebensraum."

Was that in effect what the purpose of the Deutsches

H0092 - 0080

Auslandingstitut was?

A The quotation here considered the Germans abroad were bridges for German lebensraum but this German lebensraun also applied to the German in Hungary and Roumania, and it is true when he said there, "bridges" to this lebensraum, he referred to the space in which Germans were living, and that was always the position and the attitude of the Germans, to have bridges to the space in which these Germans were living.

Q No, have you ever read a book by Dr. Emil Erich, or passed it, entitled "The Ausland Organization der N.S.D.A.P."? You need not look at that. Have you ever read that book?

A I do not think so.

Q Do you know that Dr. Emil Erich was the personal adviser to Bohle?

A I believe he was adjutant of Bohles.

Q Will you look at page 305 of the book in front of you -- my Lord, this passage appears on page 5 of the document the Tribunal have -- and that is a reproduction of Dr. Emil Erich's book. Would you look at the second paragraph on page 305, half-way down that paragraph, starting "On the 27th of August, 1936, the Fuehrer designated Stuttgart as the city of forei Germans and the Gauleiter of the foreign organization assumed the protection of this beautiful city, which also housed within its walls the German Foreign Institute, which works in hearty cooperation with the Ausland organization."

Would I be right in saying that throughout the whole history from 1933 onwards, the Deutsches Auslandsinstitut was working in the heartiest cooperation with the Ausland organization?

A It is not correct. As far as practical or scientific work was concerned, yes, but no other connection. There was a collaboration, as I have already mentioned, but foreign Germans had their meetings in Stuttgart and that was the collaboration between the two of them. There wasno other connection and it was not necessary.

Q Will you look at page 127 of this book? I want you to tell me, looking at the last paragraph, whether that is an accurate report, "All persons who in the future " -- I beg your pardon this is a confidential report on the special schooling work conducted by the DAI for the foreign workers. You did in fact, did you not, assist the foreign organization

H0092 - 0081

in training their Landesgruppenleiters and other leaders abroad?

A May I ask who signed this article, or report?

Q No, I can't tell you who signed that report. I asked you a question. Did the Deutsches Auslandinstitut assist in training leaders for the Ausland organization abroad?

A I am not informed on that point.

Q Now, just turn over the page, to page 128, second paragraph, which I will read to you quite shortly. "The Auslandsinstitut plays a part in determining the curriculum for the training camps as well as serving as an intermediary between the party authorities who run these camps and the Germans from abroad who attend them."

You still say that that report is --

A May I ask the date of this report?

Q I told you it is a report --

A I have no knowledge of this report.

Q Well, now, I just want to ask you one or two very short questions on the evidence that you have given about the Defendant von Neurath. You have told us that he was a man of peace, with an excellent, kind character. Do you know that on the 5th of November, 1937, he attended a meeting at which Hitler addressed the leaders of his armed forces? Did you ever hear of that meeting, on the 5th of November, 1937?

A No, I have no knowledge of this meeting, but it was not until I was told in prison here --

Q Perhaps I could tell you quite shortly what took place: Hitler said at that meeting, amongst other things, that the only way out of the German difficulties was to secure greater living space, and he said that problem could only be solved by force. Now, having said that, he then went on to say that he had decided to attack Austria and Czechoslovakia. You never heard of that meeting?

A No, I have never heard of this meeting, and later on --

Q But --

A May I finish my sentence? I just said now that von Neurath suggested to me that he had serious differences of opinion with Hitler. That

was toward the end of 1937. It was only later that I realized that he must have meant the conference with Hitler and the expressions which Hitler uttered on the 5th of November; that this campaign actually took place I heard during my imprisonment and from the article in the paper

H0092 - 0082

H0092 - 0083

Q I'll come to all that in a moment. I just want you to get a picture of what happened at this meeting, and I quote four lines from the minutes of that meeting:

"Hitler believed that England and France had already silently written off Czechoslovakia and that they had got used to the idea that that question would one day be cleared up by Germany."

Hitler then went on to say that the embodiment of Czechoslovakia and Austria would constitute a conquest of food for five or six million people and that he visualized the compulsory immigration of two million people from Czechoslovakia.

Now, that is what took place at that conference. Do you know that some four months later—on 12 March 1938—Von Neurath was giving an assurance to M. Masaryk, and among other things he assured him on behalf of Herr Hitler that Germany still considered herself bound by the German-Czechoslovak Arbitration Convention of 1925? Do you know that he said that?

A I do not recall it.

Q Can you understand, now that I have told you that that is a fact, can you understand anybody who had been at that conference and had heard what Hitler had said on 5 November giving an assurance to Czechoslovakia four months later in terms of that kind? Can you understand any honest man doing that?

A I can not judge the situation which applied at that time. I did not know from whom Von Neurath received his orders.

Q I am not asking you to judge at that time. I am asking you now what is your opinion of a man who can do that sort of thing. I want youto tell the Tribunal.

A I can not give you a reply for I can not have a comprehensive picture of that situation.

DR. LUEDINGHAUSEN (Counsel for the defendant von Neurath):

Mr. President, I must object to these questions. It is not possible for this witness to be confronted with a question of this sort without being informed of the complete picture. The fact is, and it is correct, that in the speech of 5 November 1937, Hitler for the first time developed plans which were contrary to the peace policy of Von

H0092 - 0084

Neurath , and Von Neurath considered himself induced -- I believe in December or early in January — to speak with Hitler about this at length and to tell him of the impossibility of the situation he had in mind and to dissuade him from it. Then from Hitler's reply it followed that Hitler in the future would insist on this policy, and he asked for his resignation. On 4 February 1938 Von Neurath was permitted to resign. He departed from active politics.

On 11 or 12 March, the marching into Austria took place, and Von Neurath had not known about it up until that day.

THE PRESIDENT: Dr. Luedinghausen, the question was put about 5 March 1938, whether a man who had heard of the conference of the 5th of November 1937 could have given the assurance of 5 March.

DR. LUEDINGHAUSEN: Yes, sir, I can also clarify that statement if I can have a word. The question was considered with Ambassador Mastny whether at that time or in connection with the marching into Austria any military action against Czechoslovakia was intended, and this question Von Neurath answered correctly and as a decent man.

THE PRESIDENT: Do you not understand that when the light comes on, you are talking too fast?

DR. LUEDINGHAUSEN: Yes, Your Honor. I just said that we have to take the situation into consideration at which this statement was made. First, Hitler, in his speech of 5 November, spoke of the distant future, years later. Then on 12 March when he marched into Austria--

THE PRESIDENT: We do not want to have all this argument. The question was what was the witness' opinion of a man who had done that. That was all the question that was asked, and that question is put to creditability.

DR. LUEDINGHAUSEN: Mr. President, I beg your pardon; that question can not be answered by a man unless he knows the complete context. The question was put by Mastny whether the marching into Austria would predispose any military measures against Czechoslovakia and Von Neurath answered that question. He did not want to give any assurances or replies for years hence. The Ambassador was concerned with action in connection with the marching of the German troops into Austria and whether any military actions against Czechoslovakia were intended, and

H0092-0085

according to the information which my client had, he could with a clear conscience answer the question in the given situation with a No, and this question is admissible only if the witness is informed about the things that I have just stated. We are not concerned with hearing, "No, never will Germany march into Czechoslovakia"; we are concerned with only the question of Mastny, whether in connection with the marching into Austria a similar measure was planned against Czechoslovakia, and that question he could answer the way he did, and the question which is now being put by the British Prosecution, in my opinion, is not admissible.

THE PRESIDENT: The Tribunal thinks the question properly admissible.

Q. Well, we will not pursue the matter. I ask you just this one further question, so that I make myself quite clear. You said in your evidence, as I wrote it down, that that defendant von Neurath, was well thought of, dignified and of noble character. Having heard what I have told you, are you still prepared to tell the Tribunal that he is well thought of, dignified, and of noble character? Is that your opinion now? I just want to get the value of your evidence, do you see. After what you have been told, is that your opinion?

A. It is my opinion before as well as after that von Neurath is a decent and dignified character. I can not judge under what circumstances he acted at the time and what views were determining for his statements.

Q. You say that he was in favor of peace and did all he could to avoid war. Do you call a deceit of that kind doing everything possible to avoid war? Is that what your idea of a peaceful policy is -- giving assurances four months after you know perfectly well that Germany's intention is to overrun this country? Is that what you call doing everything to avoid war?

A. I would like to clarify again that this question can not be judged by me at all in all its ramifications so that I can not really have an opinion or judgement at this time, but things obviously can not be as simple as they have just been pictured herenow.

H0092 - 0086

Q Let me turn to another aspect in his case. We have been told, as you have just heard at great length, that he disapproved of Hitler's policyand resigned. Do you know that, having resigned, he was appointed Reichs Protector of Bohemia-Moravia in March 1939. Do you know that?

A Yes.

Q That was after the remainder of Czechoslovakia had been overrun, occupied?

A I said previously that von Neurath told me that he took this appointment reluctantly. He had refused to take it twice, but then he believed that he had to make a sacrifice, and as the State President Hacha has told me, the use of von Neurath's person was expedient, for von Neurath's activity, as Hacha told me, undoubtedly worked as a balancing factor and, as I already said, he was called away from this because he was too mild.

Q Now, you have already said it, and we have heard it and we have remembered it, so it is quite unnecessary to say it again. Do try to answer my question shortly. Let me ask you this question. Have you ever thought that the reason for that appointment might have been as a reward for assistance in the occupation of Austria and Czechoslovakia that had followed so shortly before?

A No, I never thought of that. If I may add, I would like to add that I read in the book by Henderson a different version--that von Neurath had been put into that place so that his international prestige could be discredited, and I would like to add that other possibilities might come into play here.

Q Do you remember that you described him as a disciplined, humane and conscientious man?

A Yes.

Q Will you look at that poster.

LIEUTENANT COLONEL GRIFFITH JONES: My Lord, I regret that I have not got a copy of this for the Tribunal. It is a very short matter. It has been introduced in the Czechoslovakia report on the German occupation. I will give your Lordship the number: USSR 60.

Q Do you see that this is signed by the defendant von Neurath, the humane and conscientious man?

A Yes.

H0092 - 0087

I can see that the high schools of Czechoslovakia were closed for a period of three years, and that nine people were shot. This announcement does not say, as far as I can see, just why this took place and I cannot judge about this announcement. Just what announcements von Neurath did make I cannot judge. This announcement doesn't tell me, if I don't know, the reasons or motives why the announcement was issued. That high schools were closed and that nine people were shot-- that must have had its basic reason, I am sure.

DR. LUEDINGHAUSEN: Mr. President, may I add the following? I would like to say this in order to save time.

On the question of Czechoslovakia and this announcement we are refering to, which I know too, in connection with von Neurath's case, in the proceeding I will have an opportunity to bring the proof that this announcement did not originate with von Neurath. This witness was not at Prague and can only repeat things which he did not know of his own experience but about which von Neurath told him. I believe that this question is not appropo and is taking up necessary time, for I would have to object to clarify the situation and show it as it was.

I cannot put questions which are positively wrong, that is, which are based on wrong facts, things which were actually different. I will prove that von Neurath at the time when this announcement was drafted and put up was not at Prague and was not advised of what was going on during his absence. Therefore I believe that this question should not be treated today, should not be dealt with, since the witness cannot know anything about it from his own experience and knowledge.

THE PRESIDENT: Of course if this poster was put up when von Neurath was not at Prague, and he gave no authority for it, that would clear him with reference to this poster; but what is being put to this witness is, Assuming that this poster were put up by von Neurath, is it right to describe him as a humane man? That is all the cross-examination means.

DR. LUEDINGHAUSEN: But, Mr. President, the witness does not know about this poster, and he cannot answer the question correctly if he doesn't know all the ramifications.

H0092 - 0088

THE PRESIDENT: The witness was examined at great length by you to show he was a humane man and had a very good character. Under such circumstances it is up to the Prosecution to put to the witness circumstances which would indicate that he was not of that humane character. That is all that is being done.

DR. LUEDINGHAUSEN: But this witness can just say "I don't know," or if it is correct, we can all of us do that. The witness does not need to do that.

THE PRESIDENT: The witness can say, "If this is correct it is inconsistent with what I knew of von Neurath".

DR. LUEDINGHAUSEN: Yes, but then he cannot say that either, for the simple reason that he doesn't know the circumstances under which this poster was put up. I cannot see the consequences of this question, for if the question is put that way, every decent individual would say that it was inhumane; but it has no connection with facts that the witness will judge things which did not exist and things which are not correct.

THE PRESIDENT: Don't you think this is really taking up unnecessary time if this witness doesn't know anything about it? I quite see, of course, that it is the purpose of cross-examination to discredit the witness.

LT.COL. GRIFFITH-JONES: I am much obliged to the Tribunal.

Perhaps I might be allowed to say this: This defendant has produced a witness to give evidence on his oath before this Tribunal. If that evidence is unchallenged, then it goes down on the record, and there is nothing to stop this Tribunal from regarding this witness as a man who is in a position to give reliable evidence of that kind. This cross-examination is rather to show that this witness, whether he is saying it truthfully or untruthfully, is certainly inaccurate. The evidence he has given as to the good character of this defendant does not bear investigation -- that is quite clear -- and the Tribunal is not saying we are not entitled to cross-examine as to characte However, I don't think I need occupy the time of the Tribunal with that.

THE PRESIDENT: Very well.

CROSS-EXAMINATION

BY COLONEL AMEN:

H0092 - 0089

Q Witness, when were you last in New York City?

A In New-York? In the year 1936.

Q At that time you made a speech at Madison Square Garden, is that correct?

A Yes.

Q That was really in the Garden?

H0092-0090

A It was German Day, on the 6th of October 1936.

Q A German Day rally, correct?

A It was an annual meeting of Germans which took place on the 6th of October.

Q And in that rally there participated to a very large extent members of the German-American Bund, is that correct?

A Yes.

Q In fact, that whole rally was held under the auspices of the German-American Bund, was it not?

A There was a committee in our club--I believe there are two thousand of them in New York--and these had grouped themselves into a Festivity Committee which agreed to put on the German Day. Just what the constituents were I don't know.

Q And it was at the solicitation of the German-American Bund that you made your speech, was it not?

A No, the committee invited me, the committee of New York.

Q Yes, and on that committee were numerous members of the German-America Bund, is that true? Yes or no.

A Yes.

Q And as a matter of fact, there were many of the members of your organization at that time who were active members of the German-American Bund, is that correct?

A Yes.

Q And you personally had had several conferences with them, both here in Germany and in New York City, correct?

A No, that is not correct.

Q Well, what is correct?

A It is correct that I was invited, but further conferences did not take place so.

Q But you don't dispute that many of the members of your organization were at that time members of the German-American Bund?

A I am not informed on that point.

H0092-0091

THE PRESIDENT (to the witness): I have just taken down that you have said that was so.

COLONEL AMEN: Precisely.

THE WITNESS: Please repeat the question.

BY COLONEL AMEN:

Q Did you not just tell me a few moments ago, in response to a previous question, that many members of your organization were members of the German-American Bund who were present at your speech at the rally in Madison Square Garden?

A Do you mean members of the German Ausland Institute?

Q Your organization? is the way I put it.

A I had no organization; I had an institute.

Q Exactly. And under whose auspices were you making this speech in Madison Square Garden?

A I was asked to make this speech because shortly before I had been made Lord Mayor of the City of Foreign Germans. I was Lord Mayor of that city, and in my capacity as such I was asked to give the speech. Stuttgart was made the City of Foreign Germans for the Swabians because most of the emigrants had come from there, and for that reason Stuttgart was the native city of foreign Germans.

Q Well, is it not a fact that many members of the Ausland organizatio were at that time also members of the German-American Bund? Yes or no.

A Yes.

Q Is it not also a fact that at that time many members of the Institute were also members of the German-American Bund: Yes or no.

A Yes, some of these people had come back. They were students who had studied abroad and had returned to Germany from America.

Q Is it not also a fact that many of these members of the German-American Bund, who were likewise members of the Ausland Organization and the Institute, were indicted and tried and convicted a various espionage offense in the federal courts of the United States? Yes or no.

A No, I know nothing about that.

Q You never heard that?

H0092 - 0092

A No, I never heard about that. If you mean case Kappe, that case I do know, but that is not in connection with this matter.

Q That is one case, as a matter of fact. Now, you know some others too, don't you?

A I wonder if you could give me particulars.

Q I could, but I am asking you the questions rather than trying to tell you the answers.

A I cannot remember any other cases. Please ask me.

Q No, I will go to another subject now, because it is getting late. Are you acquainted with a Mr. Alfred Weninger--W-e-n-i-n-g-e-r?

A I didn't get this name. Alfred--

Q Alfred Weninger, or however you pronounce it.

A Weninger--yes, I am familiar with that name.

Q Who is he?

H0092 - 0093

A Alfred Weninger is, to my knowledge, at present in France. I believe he is a jurist.

Q Well, don't you know? Don't you know whether he is a jurist or not?

A Yes, he is employed as a jurist.

Q What is his nationality?

A He is a Frenchman.

Q Is he a friend of yours?

A Yes.

Q Did you intervene on his behalf on at least one occasion?

A I saw to it that he was freed from prison.

Q That was in March 1943?

A No, there must be a misunderstanding. I mean the Alfred Weninger who is a Frenchman and whom I helped during the war so that he was not sentenced to death, and later he was freed from prison, but that took place in the year 1942 or 1943. That is the Weninger I know. There may be two Alfred Weningers, but this . . .

Q No, that is correct. He was arrested for espionage with the enemy?

A Yes, then it must be the same man. I helped him.

Q And you intervened with the People's Court?

A Yes, with Freisler.

Q And also, at the Ministry of the Interior and Justice in Berlin?

A In the Ministry of the Interior. I wrote a memo about conditions in Alsace, and I also helped others.

Q And as a result of your assistance, these people received temporary suspension of their sentences, is that correct?

A Yes. I would like to mention expressly that I asked Neurath to intervene and that it is because of him a letter was written to Hitler and thus mitigating circumstances were carried through.

Q So that this individual, to put it mildly, is under a considerable obligation to you at the present time? Correct?

A Yes, I assume so.

Q Well, you saved his life in effect, did you not?

A I did that for others also, but I don't know whether there would be any gratitude for that.

H0092-0094

Q Then you do not question the truth of what he might repeat as a conversation with you, correct?

A I do not doubt that he would remember this.

Q Do you recall having a conversation with him in June, 1940?

A At the moment I cannot say that without your telling me some of the particulars concerned.

Q Well, I will tell you what you are reported by him to have said and I ask you whether you recall having said that to him either in the exact words which I put to you, or in substance. Do you understand?

A Yes, I understand.

Q Here are the words. "I warn you against National Socialism which does not recoil before anything and which makes justice a servile agent. They are criminal and I have but one wish -- to get out of it." Did you say that to Weninger in words or in substance? Answer yes or no.

A I did not quite understand just what you said. Will you please repeat it?

Q You understand English, don't you, witness?

A Some. I understand just a little.

Q As a matter of fact, you were interrogated in English by one of our interrogators, were you not?

A Just one occasion. I spoke a little English. I do not believe . . .

Q And you understand perfectly well what I just read to you, don't you?

A I did not understand it in German, and the substance of your questions is not clear to me.

Q I'll read it to you again. But I believe that you are merely taking this time to try to think of your answer. I ask you again, you either said to Weninger in words or in substance, in June of 1940, the following:

"I warn you against National Socialism which does not recoil before anything and which makes justice a servile agent. They are criminal and I have but one wish -- to get out of it."

Do you understand?

A Yes, I understand but I do not recall having made that statement.

H0092 - 0095

Q Do you deny having made that statement when I tell you that Weninger so states -- Weninger, whom you have just told us has every obligation to you?

A I cannot recall that statement. I may have made statements of a critical nature, but I do not recall it . . .

Q Do you deny having made that statement? Answer yes or no.

A I dispute having made this statementin this form.

Q Did you make it in substance? In substance, did you make that statement

A I cannot remember this conversation at all.

Q Do you recall having made another statement to Weninger in 1936 in Strassburg . . . Were you in Strassburg with Weninger in 1936?

A At the moment I cannot recall.

Q But you don't deny it?

A I cannot recall.

Q It is quite possible?

A It is possible but I cannot recall it. I cannot suddenly recall when I was there.

Q And did you not say to Weninger in Strassburg in 1936, in words or in substance, the following: "When I am abroad I am ashamed to be a German." Answer yes or no.

A At that time, it was entirely out of the question. In the year of 1936 I was very proud of the fact that I was a German.

Q And then, do you deny having made that statement to Weninger?

A In the year 1936 I did not make that statement.

Q When did you make it?

A I do not recall having made a statement of that kind in 1936.

Q When did you make that statement to Weninger? In short, when did you decide on making statements like that?

A I cannot recall making statements of that sort.

Q But you do not deny it?

A There was a period of time when one was not proud of Germany. I might have said it then.

THE PRESIDENT: Do the other prosecutors wish to cross examine?

H0092 - 0096

DR. SEIDL: I have no questions to the witness.

THE PRESIDENT: Then the witness can retire.

Does that conclude your case, Dr. Seidl, or have you got any other evidence to offer?

DR. SEIDL: Yes, I have a questionnaire which has come back to me about the witness Alfred Hess. He was to be questioned through a questionnaire.

Then, I would like to refer to various documents in document book number three, but before going into the proceedings of today, I would like, on behalf of the Defendant Hess, I would like to say that in reference to the other document which was an official report of the British Government, Lord Simon said "It has been made known to me that you have come here on a special mission and that you wish to speak to a representative of the Government. You know I am Dr. Guthrie and I am working in the interest of our Government in order to reason with you and discuss with you what you wish to tell the Government." That was what I wished to state in the completion of my reading of the Simon matter this morning.

THE PRESIDENT: Would you be able to finish tonight if we went on for a few minutes tonight, or not?

DR. SEIDL: Mr. President, the answers which are given on this questionnaire are rather comprehensive. The witness was cross examined and I assume that the prosecution will wish to have the answers to the cross-examination read and I believe it is not possible to do that today.

THE PRESIDENT: Very well, we will adjourn.

(The Tribunal adjourned until 1000 hours on 26 March 1946.)